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JOURNALS OF THE CONTINENTAL CONGRESS

1774-1789

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PREFATORY NOTE

The two subjects of greatest importance which occupied the attention of Congress in the year 1778 were finance and foreign affairs. The increasing difficulty of paying the expenses of the war with issues of paper currency, Continental and State, obliged Congress to look to other sources of revenue. The lottery had not been a success, and the receipts at the loan offices were insufficient to meet the growing demands for ready money—demands made inordinately large in appearance by the depreciation of the bills of credit. The Treasury was reorganized, requisitions made upon the States, taxation urged, and foreign loans sought.

The treaties with France opened a new prospect; for they gave the States a standing in international affairs, and suggested more certain methods of obtaining money, ammunition, and joint expeditions with France against the common enemy. The want of accord among the American commissioners in Europe produced unfortunate results in France and in Congress. Silas Deane was recalled, under charges of misapplying the aids received from France, and the spirit of faction was aroused in Congress by the attempt of the Lees to discredit and secure the punishment of this first American representative to a foreign court. What was done was not unconnected with the "cabal" against Washington, a plot which came to an end with the proposed expedition into Canada, to be commanded by Lafayette. The resigna-

tion of Henry Laurens as President was also caused by these differences among the American commissioners at Paris.

The year was marked by no little discontent expressed by Congress on the military events. Major Generals Charles Lee, Arthur St. Clair, and Philip Schuyler were tried by court-martial, and Lee suffered in reputation beyond any hope of recovery. Against these seeming troubles may be set the reorganization of the Army, carried through by committees of Congress in conferences with Washington and his generals. Various departments were examined into, abuses corrected, and new systems of purchasing and accounting for supplies introduced. The creation of the office of Inspector General marked a decided advance in army discipline. The many reports presented by the Boards of War and Treasury will indicate some of the improvements introduced into the two services. Congress was slowly moving toward executive boards not composed of Members of Congress, and better fitted to perform the important functions essential to maintaining the Army and conducting the war.

The incidents of Thomas Burke's conduct in refusing to obey a call of the House and Timothy Pickering's letter from the Board of War are not without their humorous aspects, while proving the sensitiveness of the House on its dignity.

WORTHINGTON CHAUNCEY FORD
Chief of Division of Manuscripts
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Librarian of Congress
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JOURNALS OF THE CONTINENTAL CONGRESS 1778

THURSDAY, JANUARY 1, 1778

A memorial from the Chevalier de Villefranche was read, setting forth, that though he received a gratification and money for his return to France, yet, upon reconsideration, he would rather stay in this country, if he could be employed in the corps of engineers, under Brigadier Du Portail, in which case he would return the money and bill of exchange granted him; Whereupon,

Resolved, That the Chevalier de Villefranche be appointed a major of the corps of engineers, under the command of Brigadier General Du Portail.

An extract of a letter from Major General de Kalb, and a memorial from Lewis Casimir, Baron de Holtzendorff, were read:[1]

Ordered, That the same be referred to the Board of War.

The Marine Committee, to whom the letter of the Hon. Thomas Cushing, Esq. of the 6th of December last, with the inclosed bill of exchange, were referred, report, That, in their opinion, the said bill ought to be paid by a war-

[1] The memorial of Holtzendorff is in the *Papers of the Continental Congress*, No. 41, IV, folio 27.

rant on the treasury in favour of the persons in whose behalf the said bill was drawn:

Resolved, That Congress concur with the committee.

Ordered, That the said report, with the bill and letter, be referred to the Board of Treasury.

Resolved, That General Washington be directed to order the commanding officers of the continental regiments, now in camp, to make exact returns of the soldiers in their respective regiments to the pay masters thereof, to prevent any imposition in the payment of the one month's pay extraordinary, which Congress, in their resolve of the 30th of December last, have ordered to be given to the brave officers and soldiers of the continental army, on account of their soldierly patience, fidelity, and zeal, in hutting, &c. as expressed in the said resolve.

A memorial to Congress and the supreme executive council of Pensylvania, from Israel Pemberton and others; also, a letter from Owen Jones, Jun. to James Duane, Esq. were read:[1]

After some debate,

Resolved, That the consideration thereof be postponed.

Adjourned to 3 o'Clock P. M.

Three o'Clock

The Committee on the Treasury brought in a report; whereupon, Congress came to the following resolution:

Whereas Dennis John du Bouchet, who, for his merit and spirited conduct in the late northern army, upon the special recommendation of Major General Gates, commander in chief of the northern department, was created a major in the service of the United States of America,

[1] This memorial, dated Winchester, December 19, 1777, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 42.

hath since signified to Congress his desire of returning to France, as his state of health will not permit him to engage in actual service; therefore,

Resolved, That he be permitted to quit the service, and to return to France whenever he may have an opportunity; and, in consideration of his merit, that the sum of one hundred dollars be presented to him to defray his expences to the port of embarkation, and a bill of exchange for 900 livres tournois, on the commissioners of the United States at the court of France, to defray the expences of his passage and travelling charges to Paris, and in full of all demands for his services and pay.[1]

Colonel Samuel Washington having, on account of his ill state of health, declined the office of commissioner to the westward, Congress proceeded to the election of another in his stead; and, the ballots being taken, John Walker, Esqr was elected.

A letter, of the 8, and one, of the 13 December, from Dr. B. Rush to Mr. [William] Duer, were laid before Congress, and read:[2]

Ordered, That the said letters, and also the letter of the 25 December, from Governor Livingston, be referred to a committee of five: the members chosen, Mr. [John] Witherspoon, Mr. [John] Harvie, Mr. [Francis] Lewis, Mr. [Francis] Dana, and Mr. [Cornelius] Harnett.

Resolved, That the said committee be fully authorized to take every measure, which they shall deem necessary, for the immediate relief of the sick, and report such alterations in the medical department, as they shall deem best adapted to answer the end of its institution.

The delegates from Massachusetts Bay laid before Con-

[1] This report is in the *Papers of the Continental Congress*, No. 136, I, folio 529.

[2] These letters are in the *Papers of the Continental Congress*, No. 78, XIX, folios 173 and 181.

gress the credentials of their appointment, which were read as follows:

STATE OF MASSACHUSETTS-BAY:
Council Chamber, Boston, December 4, 1777.

The General Assembly having, this day, come to the Choice of Seven Gentlemen to represent this State in the Honorable Continental Congress, by joint Ballot of both Houses, to serve for the ensuing Year, it appeared, after counting and sorting the Votes, the following Gentlemen were chosen, viz. Hon. John Hancock, Samuel Adams, John Adams, Robert T. Paine, Elbridge Gerry, Francis Dana, and James Lovell, Esqrs.

Attest, JOHN AVERY, *Deputy Secretary.*[1]

A letter, of the 26 December, from General Washington, was read.

A letter, of the 26 December, from Thomas Wharton, Junr Esqr, president of the council of Pensylvania, to the delegates of that State in Congress, was read:[2]

Ordered, That it be referred to the Board of War, and the members added thereto, for a particular purpose, on the 29 December last.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

The Committee on the Cloathing Department beg Leave further to report:

Whereas by a Resolution of Congress of the 26th Novr, 1777, Officers and Soldiers in the Batallions of the Army of the United States were enabled to draw Cloathing from the continental and State Stores at prices bearing a just proportion to their pay, and neither the Quantities of Cloathing to be so drawn, nor prices thereof, have been ascertained,

[1] The original is in the *Papers of the Continental Congress*, Massachusetts, Credentials of Delegates.

[2] The draft of the Washington letter is in the *Washington Papers*, A, III, folio 161; the letter of Wharton is in the *Papers of the Continental Congress*, No. 69, I, folio 453.

Resolved, That every regimental commissioned officer in the Army of the United States shall during the War be entitled to draw annually the following Articles of Cloathing, paying for the same on Delivery at the Rate of two thirds of a Dollar for one Shilling sterling Cost thereof, in Europe, estimating American Manufactures at the prime Cost of European Articles of the same Species and Qualities.

a Suit of plain Regimentals
Six fine linen Shirts } or Materials for making the same.
Six cambrick or muslin Stocks
a fine castor Hatt
six pair thread or fine worsted Hose
four pair Shoes
1 pair Boots
1 Blanket

That each non commissioned officer and private be allowed to draw the following Articles of extra Cloathing, paying for the same at the Rate aforesaid,

two hunting Frocks
one Woolen Waistcoat with Sleeves } for Summer
two Shirts
two pair strong linnen Overalls
four pair Shoes, excepting non commissioned officers and privates of the Cavalry who may draw two pair only.

That each State supply by it's Agent, the Cloathing so allowed, to Officers and Soldiers raised or to be raised by such State, as its quota: charging the United States for the Articles, so supplyed, at such an advance on the sterling Cost as Congress shall hereafter allow to the States in general, and crediting the Amount of what the Officers and Soldiers are to pay for such Cloathing. And it is recommended to each State to require its Agent to take Certificates from the Officers and Soldiers who may receive such Cloathing, specifying the particular quantities so received, and the Amount thereof, which Certificates shall be produced by the State as Vouchers on Settlement.

That each commissioned Officer in the Army of the United States, declaring on Oath to the paymaster or any Deputy paymaster General, who are respectively authorized to administer the same, "that he has served in the Army during the last Campaign, and not been supplied by any continental or state Agent, or Officer, with the whole (or any Part) of the Articles which he is allowed to draw, agreeable to the preceeding Resolves", shall on presenting an account receive from

such paymaster or Deputy paymaster General for the Articles so appearing not to have been supplied, as follows:

	Dollars	90ths of a Dollar.
for a Coat	18	and 60
a Waist Coat	7	
a pr Breeches	7	
each Shirt 5 Dollars—6 of which amount to	30	
each Stock 2/3 of a Dollar, 6 amounting to	4	
a fine Castor Hatt	5	30
each pr Hose 2 Dollars and 20/90ths 6 pr amounting to	13	30
each pr Shoes 1 1/2 Dollar, 4 pr, amounting to	6	
a pr Bootes	6	
a Blanket	4	60
the Whole amounting to	102	Dollars

That the paymaster and Deputy paymaster General previous to their administering such Oath, shall respectively take an Oath to be administered by the Commander in chief or commanding Officer of the Department "faithfully to discharge the Trust reposed in him by the foregoing Resolve", and shall take a Certificate thereof from the Officer administering the Oath.[1]

FRIDAY, JANUARY 2, 1778

A letter and memorial from the Chevalier Armand de la Rouerie were laid before Congress, ||and read:||

Ordered, That they be referred to the Board of War.

A letter, from Chevalier de Roche Fermoy, was read:[2]

Ordered, That it be referred to the delegates of Massachusetts Bay.

[1] This report, without date, and in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 31, folio 17. The committee on the clothing department was appointed November 25, 1777, but does not appear to have made a report. A second committee was named on Otis's letters, to which Gerry was added, December 17, 1777. Its report is printed in the volume for 1777, IX, p. 1042. There is nothing to indicate when the first committee presented its reports.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 153.

Congress having no further occasion for the service of Esek Hopkins, Esq[r] who, on the 22 December, 1775, was appointed commander in chief of the fleet fitted out by the Naval Committee,

Resolved, That the said Esek Hopkins, Esq[r] be dismissed from the service of the United States.

THREE O'CLOCK, P. M.

Congress took into consideration the resolutions agreed to in a committee of the whole Congress, on the report of the committee.

The first resolution being read the following amendments were agreed to: Dele the words "to be"; after "*warranted by*" insert "*the just construction of*"

d[ele] "it betrays a disposition of availing himself of such declaration," and insert instead thereof, "it affords a strong indication of his intention to, and just grounds of fear that he will, avail himself of such pretended breach of the convention."

A division of the resolution was called for;

And the question being put on the first part as amended,

Resolved, in the affirmative N. C. D. That the charge made by Lieutenant General Burgoyne in his letter to Major General Gates of the 14 November, of a breach of public faith on the part of these states, is not warranted by the just construction of any article of the convention of Saratoga; that it is a strong indication of his intention, and affords just grounds of fear that he will avail himself of such pretended breach of the convention, in order to disengage himself and the army under him of the obligations they are under to these united states, and that the security which these states have had in his personal honor is hereby destroyed.

~~It was moved to amend the latter clause~~

In the second clause dele "hitherto".

The yeas and nays being required and the question put on the second part of the resolution:

New Hampshire,		
Mr. Folsom,	ay	ay
Frost,	ay	
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Dana,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Dyer,	no	no
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Witherspoon,	no	no
Clark,	no	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Clingan,	ay	
J. B. Smith,	ay	
Jas. Smith,	ay	
Virginia,		
Mr. F. L. Lee,	no	no
Harvie,	no	
North Carolina,		
Mr. Harnett,	ay	ay
South Carolina,		
Mr. Laurens,	ay	ay
Georgia,		
Mr. Wood,	ay	ay
Langworthy,	ay	

So it was resolved in the affirmative.

The second resolution was then read, and the following amendments made; dele "himself", and insert "Lieutenant General Burgoyne"; after "troops", dele "shall"; after "convention" add "of Saratoga".

After debate,

Resolved, That the consideration thereof be postponed till to Morrow.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 3, 1778

A letter, of the 15 December from Jonathan Trumbull, Junr Esqr, deputy pay master general, northern department, was read, enclosing a draught in his favour on N. Appleton, Esqr, commissioner of the loan office, State of

Massachusetts bay, dated October 16, 1777, returned for want of pay:[1]

Ordered, That it be referred to the Board of Treasury.

A letter, of the 7 ||December|| from P. Colt, Esqr at Boston, and one, of the 16 of the same month, from Mr. Colt at New Haven, to W. Buchanan, Esqr commissary general of purchases, were laid before Congress and read:

Ordered, That they be referred to the Board of War.

A letter, of the 26 December, from the navy board, at Bordentown, with sundry papers enclosed, respecting the conduct of Lieutenant Henessy, was read:

Ordered, That it be referred to the Marine Committee.

Resolved, That General Washington be authorized to appoint such a number of aids de camp, as he may, from time to time, judge necessary; ~~and if he thinks proper, to appoint them out of the corps already established~~ and to make choice of regimental officers for that purpose, if he thinks proper; any thing in former resolutions of Congress to the contrary notwithstanding.

Adjourned to 3 o'Clock P. M.

THREE O'CLOCK, P. M.

A petition from Daniel Lush, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of the 29th December, from Brigadier Weedon, was read:[2]

Ordered, To lie on the table.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the Treasurer in favour of the Board of War, for 200,000 dollars, to be

[1] The letter of Trumbull is in the *Papers of the Continental Congress*, No. 78, XXII, folio 545.

[2] This letter is in the *Papers of the Continental Congress*, No. 159, folio 380.

transmitted by them to Jonathan Trumbull, Jun. deputy pay master general ||in the northern department,|| for the use of his department, the said pay master to be accountable:

Ordered, That a warrant issue on the Treasurer in favour of John Brown, Esq., for 13,359 dollars, for the purpose of discharging Thomas Cushing's order on the Hon. Henry Laurens, Esq. president of the Marine Committee, for that sum, in favour of Andrew and James Caldwell, & Co. dated Boston, 6th December last, and expressed to be for the use of the continental ships building in Massachusetts bay; the said Marine Committee to be accountable:

Ordered, That a warrant issue on the Treasurer in favour of Mr. Caldwell, for six hundred and seventy five dollars, in discharge of John Ashe's two drafts, dated North Carolina, 27th March last, in favour of Francis Brice, one for 275, and the other for 400 dollars and drawn on the continental treasurer, the State of North Carolina to be accountable, and the sum to be considered as part of the 500,000 dollars heretofore appropriated for the use of that State.[1]

Congress resumed the consideration of the ||second|| resolutions agreed to in a committee of the whole, on the report of the committee to whom were referred the letters that passed between General Heath and General Burgoyne, and the letter from General Burgoyne to General Gates. The following amendments were made: Strike out "to these States;" after the word "distinct," add "and explicit."

"Therefore, That the embarkation of Lieutenant General Burgoyne, and the troops under his command, be sus-

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 3.

pended till a distinct and explicit ratification of the convention of Saratoga shall be properly notified by the court of Great Britain."

The yeas and nays were required, and the question put on the resolution as amended.

New Hampshire,		
Mr. Folsom,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Dana,	no	
Rhode Island,		
Mr. Ellery, declined[1] to vote.		
Connecticut,		
Mr. Dyer, declined[1] to vote.		
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Witherspoon,	ay	ay
Clark,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Clingan,	ay	
J. B. Smith,	ay	
Jas. Smith,	ay	
Virginia,		
Mr. F. L. Lee,	ay	div.
Harvie,	no	
North Carolina,		
Mr. Harnett,	ay	ay
South Carolina,		
Mr. Laurens,	ay	ay
Georgia,		
Mr. Wood,	ay	ay
Langworthy,	ay	

So it was resolved in the affirmative.

Ordered, That the report of the committee on which the resolutions passed by the Congress are grounded, be re-committed.

Resolved, That Monday next be assigned for appointing auditors of accounts in the northern and eastern departments, and for the army in the middle department.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock on Monday.

[1] "Refused" was originally written.

MONDAY, JANUARY 5, 1778

A letter from Mons. Laneuville; one, of this day, from the Rev. Mr. D[aniel] Batwell; one, of the 1st, from General Washington; one, of 20th December last, from Governor Clinton, of the State of New York; one, of the 2d, from the council and general assembly of Pensylvania, ||were read:||[1]

Ordered, That the letter from Mr. Batwell be referred to the Board of War; that the letter from the council and general assembly of Pensylvania, be referred to a committee of three: the members chosen, Mr. J[onathan] B[ayard] Smith, Mr. [John] Witherspoon, and Mr. [Nathaniel] Folsom.

Ordered, That the letter from Laneuville be referred to the Committee on Foreign Applications.

Resolved, That the Rev. Mr. Israel Evans be appointed chaplain to Brigadier General Poor's brigade.

The committee to whom were referred the propositions of the committee lately sent to the camp, contained in their letter to General Washington, dated White Marsh, 10 December, 1777, brought in a report, which was read:

The Committee appointed to consider the Propositions of the Committee lately sent to Camp, contained in their Letter to General Washington, dated Whitemarsh, 10th December, 1777, and their Memorandum of the Wants of the Army, beg leave to report:—

That all military commission officers, who now are or hereafter may be in the Service of these United States, and shall continue therein to the End of the present War, shall during the Term of Years after the War, ~~if not annexed to any Corps of established Troops, or otherwise~~

[1] Batwell's letter is in the *Papers of the Continental Congress*, No. 78, II, folio 329; that of Clinton is in No. 67, I, folio 94; and that of Pennsylvania is in No. 69, I, folio 449, and a copy in No. 33, folio 83. The draft of the Washington letter is in the *Washington Papers*, A., III, folio 165. It is printed in *Writings of Washington* (Ford), VI, 273.

~~employed by the said States, be entitled to receive half the pay of Officers of equal Rank, who shall be then in the Service; provided that such half pay Officers shall at all times be liable to be called into Service, and during that Service shall receive full pay, and be subject to such Regulations as Congress shall from Time to Time judge necessary.~~[1]

That all such military commission Officers shall in Time of Peace, be authorized to dispose of their Commissions to such Persons as shall be approved, and under such Regulations as shall be prescribed by Congress.

That the Widows of all Commission Officers, who in the present War, shall hereafter lose their Lives in the Service of the United States, shall during their Widowhood be entitled to receive one Part of the Pay of Officers of equal Rank then in the Service; and in order thereto, each Widow shall within Months after her Husband's Decease, if under the Rank of a Brigadier, produce a Certificate from the Commanding Officer of the respective Regiment or Corps, specifying the Name of her Husband, the Time, Place and Manner of his Death, his Rank, the Regiment or Corps, and company to which he belonged, and the Name of the State and Town or District in which he resided, which Certificate being endorsed by the respective Major or Brigadier General, and also by herself, shall be lodged at the Office hereafter mentioned, from whence the Pay shall be annually drawn. And the proper Certificates of the Deaths of general Officers shall issue from the Commander in Chief, and being endorsed by each respective Widow, shall by her be sent to the Office aforesaid; provided that, if any of the said Widows shall not reside within these States, the Officer whose Duty it may be to give the Certificate shall send it to the Office (endorsed by the respective Major or Brigadier General, if the Officer deceased is not of higher Rank than Colonel) or be responsible for the Damages arising from Neglect.

That a Pension Office be forthwith opened, and kept in the Place

[1] On folio 183 is the following paragraph in the writing of Elbridge Gerry, probably an amendment: "When not annexed to any Corps of established Troops, or holding or enjoying any Office of Profit under the said States or any of them, be entitled annually to receive half the Pay of Officers of equal Rank then in actual Service, and that such half pay Officers shall at all Times be subject to the Regulations of Congress, and hold themselves in Readiness for and be liable to be called into actual Service during which they shall receive full Pay."

where Congress shall from Time to Time hold its Session, under the Direction of one Commissioner to be appointed by Congress, and that he be allowed Dollars per Day, and empowered to appoint two Clerks, when he shall judge it necessary.

That it shall be the Duty of the said Commissioner to receive the Certificates aforesaid, preserving in separate Files those of the General Officers, and of each Regiment and Corps; to keep an alphabetical Register of the Names of such Officer's Widows and of the Particulars set forth in the Certificates; to deliver to the Order of each Widow, or in Case of her Decease before it can be drawn, to the Order of her Administrator or Executor, the Pay to which by the preceding Resolves she may be entitled, annually made up to the 1st Day of May; provided that on the Back of each Order for the Pay of Widows, resident within these States, shall be endorsed a Certificate from a Justice of the Peace in or near to the Place of her Residence, that she was alive and continued in a single State to the Time for which the Pay shall be so drawn; and a similar Certificate shall be produced on the Back of each Order drawn by the Widow of any foreign Officer who shall die in the Service of these States under the Hand and Seal of a Notary Public of the State in which she may reside, which Certificate shall also be endorsed by one of the Commissioners of the United States in such State.[1]

Agreed.

That General Heath be directed to order the Deputy Quarter Master General of the Eastern District, forthwith to provide one thousand good bell Tents, and send them to the Army under the Command of General Washington.

Postponed on amendment, by motion, N. Y.

That General Washington be authorized to employ a Printer with a travelling Press to attend the Army, and that it be under the Inspection of himself or such other Person or Persons as he shall appoint; who shall not admit *personal altercations*, or *other Matter not tending to promote the public Welfare*, to be inserted in any of the Publications or Hand Bills of the Army, and shall constantly transmit some of each Impression to the President for the Perusal of Congress.

Postponed.

That each Regimental Paymaster keeping an Horse shall be allowed Forage therefor.

[1] At the end of this paragraph is written the following: "Postponed to Comm^te Whole."

~~That Brigadier General Wilkinson be appointed Secretary to the Board of War, and directed forthwith to attend Congress.~~[1]

Ordered, That the consideration thereof be postponed to the afternoon.

Congress proceeded to the election of an adjutant general, in the room of Colonel Pickering, who is called to the Board of War, and the ballots being taken, Colonel Alexander Scammel was unanimously elected.

Adjourned to 3 o'Clock, P. M.

THREE O'CLOCK

The Committee on the Treasury brought in a report which was taken into consideration; Whereupon,

Resolved, That a warrant issue on the Treasury in favour of Samuel Lyon, for 611 $^{20}/_{90}$ dollars, in discharge of Daniel Tillinghast, agent in Providence, for his order dated the 13 September last in favour of said Lyon for £183 7 4 lawful money, the Marine Committee to be accountable.

~~Ordered, That a warrant issue on the treasurer in favour of Samuel Lyon for 611 20/90 dollars, in discharge of an order of Daniel Tillinghast, agent in Providence, dated the 13 September last, in favour of the said S. Lyon.~~

Ordered, That the following warrants issue in favour of Blair M'Clenachan and James Caldwell, for the payment of a quantity of salt petre, sulphur, and lead, amounting to

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 21, folio 177. It is endorsed:

"Who appoints Deputy Paymasters in the several States, the P. M. Gen. or Congress?

"The Congress has appointed a pay Mr. General, a Depy. pay Mr. Gen., in the Northern Department in the Eastern and in the Southern Department.

"Congress empowered the Depy. pay Mr. Gen. in the Northern Department to appoint one assistant."

The first paragraph is in the writing of Henry Laurens; the last two, in that of Charles Thomson.

The report is also endorsed: "1778. Before the Committee of the Whole on propositions of Committee sent to Camp."

61,719 30/90 dollars, purchased of them by the Board of War for the use of the United States of America, and delivered to Leonard Jarvis, Esqr at Dartmouth, the 25 November last; for which the said L. Jarvis is to be accountable, viz.

One on Thomas Smith, Esqr commissioner of the continental loan office for the State of Pensylvania, for 47,000 dollars, to be paid in loan office certificates, to bear date the 25 November last, as per agreement; and

One on the treasurer for 14,719 30/90 dollars.[1]

Congress took into consideration the report of the committee on the propositions, &c., and, after debate,

Resolved, That the consideration of the two first paragraphs be postponed to Wednesday next, and that the consideration of the remainder be postponed till to morrow.

Resolved, That the appointment of auditors be farther postponed.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JANUARY 6, 1778

A letter of the 4th, from E. Blaine, Esqr ||deputy commissary,|| and one, of this day, from W. Buchanan, Esqr ||commissary general of purchases,|| were read:[2]

Ordered, That they be referred to a committee of six: the members chosen, Mr. [William] Ellery, Mr. [Abraham] Clark, Mr. [Francis] Lewis, Mr. [Cornelius] Harnett, Mr. J[onathan] B[ayard] Smith, and Mr. [William] Clingan.

[1] This report is in the *Papers of the Continental Congress*, No. 132, II, folio 5. It called for 29,719 $^{30}/_{90}$ dollars from the Treasurer, and 32,000 from the Loan Office.

[2] The letter of Blaine is in the *Papers of the Continental Congress*. No. 78, II, folio 323. That of Buchanan is on folio 333.

The committee to whom the letters from Governor Livingston and Dr. Rush were referred, brought in a report, which was taken into consideration; Whereupon,

Resolved, That the cloathier general be directed to deliver to the order of the director general as much linen and as many blankets as can be spared, to be retained in the hospital for the use of the sick:

That the cloathier general be directed to supply the convalescents with necessary cloathing, in order that, when properly recovered, they may join the army:

That a member of Congress be forthwith appointed to visit the hospitals in the middle department: the member chosen, Mr. [John] Penn.

That a recommendation be sent to the clergy of all denominations in the said ||middle|| district, to solicit charitable donations of woollens and linen, made or unmade, for the sick soldiers in the hospitals; and to send the same to the Board of War, or any hospital, as may be most convenient.

That Dr. Shippen and Dr. Rush be directed to attend Congress on the 26 day of January inst. to be examined touching certain abuses said to prevail in the hospital.

Resolved, That the farther consideration of the report be postponed ||to the afternoon.||

Adjourned to 3 o'Clock, P. M.

Three o'Clock

Congress resumed the consideration of the report under debate this morning; Whereupon,

Resolved, That the sum of ten dollars shall be paid by every officer, and the sum of four dollars by every soldier, who shall enter, or be sent into any hospital to be cured of the venereal disease; which sums shall be deducted out of their pay, and an account thereof shall be transmitted

by the physician or surgeon who shall have attended them, to the regimental pay master for that purpose; the money so arising to be paid to the director general, or his order, to be appropriated to the purchasing blankets and shirts for the use of sick soldiers in the hospital.

Congress proceeded to the election of a secretary to the Board of War, and, the ballots being taken, James Wilkinson, Esq[r] was elected.

A letter, of 17 December last, from the council of New York, to their delegates in Congress, with sundry Papers enclosed, was laid before Congress and read:[1]

Ordered, That the same be referred to a committee of three: the members chosen, Mr. [Joseph] Wood, Mr. J[ames] Smith and Mr. [Daniel] Roberdeau.

Congress resumed the consideration of the report of the committee on the propositions of the committee lately sent to the camp, &c., Whereupon,

Resolved, That General Heath be directed to order the deputy quarter master general of the eastern department, forthwith to provide 1,000 good bell tents, and send them to the army under the command of General Washington.

Resolved, That the six first paragraphs be referred to a committee of the whole, and that the consideration of the last pargraph be postponed.

The Committee on the Treasury brought in a report; Whereupon, Congress came to the following resolutions:

Whereas it appears, by a return made to the Board of Treasury, from the managers of the lottery of the United States, that the invasion of the State of Pensylvania by the enemy has obstructed this business, and produced considerable delays in the sale of the tickets, in so much,

[1] This letter is in the *Papers of the Continental Congress*, No. 67, I, folio 354. Thomson has endorsed the vote on the committee: J. Smith, 4; Lewis, 0; Langworthy, 0; Roberdeau, 3; Wood, 6; Gerry, 2; Dana, 1; Dyer, 2; Duer, 1.

that the number yet remaining on hand, renders it necessary once more to postpone the drawing; and whereas, Congress being desirous, as far as possible, to fulfil the expectations of the adventurers, think it proper to give them the fullest assurance, that, at the time herein proposed, the managers are to proceed on this business without further delay:

Resolved, That the drawing of the first class of the lottery mentioned, be postponed to the 1st day of May next, at which time the managers are directed to proceed therein, and complete it as soon as may be, and that all the tickets, then unsold, shall be the property and at the risque of the United States:

That ½ per cent upon the amount of tickets sold be allowed to the persons employed by the managers, or by the several states to sell tickets, in lieu of the encouragement given by a resolution of Congress of the 30th day November, 1776.

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 7, 1778

A letter, of the 20 December last, from General Spencer, with sundry papers enclosed, was read:

Ordered, That it be referred to the Board of War.

A letter, of the 5, from the president of the council of Pensylvania, was read.[1]

Adjourned to 3 o'Clock.

[1] The letter of Spencer, in the enclosures, is in the *Papers of the Continental Congress*, No. 161, folio 350; that of Pennsylvania is in No. 69, I, folio 315.

THREE O'CLOCK, P. M.

The Committee on the Treasury brought in a report, which was read, whereupon Congress came to the following resolution:

Whereas the issuing commissary who was stationed at Fort Montgomery, has deserted to the enemy, by which circumstance, the officers, at that post, have not had it in their power to receive pay for their back rations for want of proper certificates; therefore,

Resolved, That the pay master general, or his deputy, be directed to pay the said back rations, on an account thereof being exhibited on oath by any of the said officers to Brigadier Clinton, or the commanding officer, and a warrant drawn by him for that purpose.

Ordered, That a warrant be drawn on Thomas Harwood, Esq[r] commissioner of the continental loan office in the State of Maryland, in favour of Stephen Steward, for six thousand dollars advanced him upon account of the Commercial Committee, who are to be accountable.[1]

The delegates from Massachusetts Bay laid before Congress a resolution of the legislature of that State, respecting the powers of their delegates in Congress, which was read as follows:

STATE OF MASSACHUSETTS BAY,
IN THE HOUSE OF REPRESENTATIVES,
December 12, 1777.

Whereas the Hon. John Hancock, Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry, Francis Dana, and James Lovell, Esqrs. have been chosen, by joint Ballot of the two Houses of this Assembly, to represent the State aforesaid, in the American Congress, for one Year, to commence on the 1st day of January next ensuing:

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 7. In the original the Marine Committee was to be accountable.

Resolved, That the above named Gentlemen be, and they hereby are, fully empowered, with other Delegates from the American States for the term above mentioned, to concert, direct and order such further Measures as to them shall appear best calculated for the Establishment of Right, Liberty and Independence to the American States, upon a Basis permanent and secure, for prosecuting with Vigour the present just and necessary War, concluding Peace, contracting Alliances, regulating Commerce, and guarding against all encroachments and Machinations of the Enemies of the United States; and to adjourn to such times and Places as shall appear most Conducive to the public Safety and Advantage.

And, it is further *Resolved*, that not less than three of the abovementioned Gentlemen shall make a representation of this State. The Majority of those present, after consultation, to give the Voice of the State, notwithstanding it is expected that five of them will attend as generally as may be, and the Secretary is hereby directed forthwith to forward to each of the above named Gentlemen a copy of their Appointment and of this Resolution. Sent up for concurrence.

J. Warren, *Speaker.*

In Council, *December 13, 1777.* Read and concurred.

John Avery, *Deputy Secretary.*[1]

A letter, of the 2d, from General Washington, with copies of letters between him and General Conway, were read:

Ordered, That they be referred to the Board of War.

A letter of 15 December, 1777, from S. A. Otis, at Boston, was read.[2]

||The several matters to this day referred, being postponed,||

Adjourned to 10 o'Clock to Morrow.

[1] The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates.*

[2] The letter of Washington and the Conway correspondence are in the *Papers of the Continental Congress*, No. 152, V, folio 237. That of Otis is in No. 78, XVII, folio 279.

THURSDAY, JANUARY 8, 1778

A letter, of the 28 December last, from John Baynton, pay master at Fort Pitt, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, from the navy board of the eastern department ||at Bordentown,|| dated 16 December last, to the Marine Committee, was laid before Congress and read.

Ordered, That it be referred to the Marine Committee.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Resolved, That one million of dollars be emitted under the direction of the Treasury Board and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 3d of December last, be numbered from the last number of each respective denomination of that emission progressively, and consist of the following denominations, viz.

15,384	bills of the denomination of	3	dollars	46,152
15,384	do. of	4	do.	61,536
15,384	do. of	5	do.	76,920
15,384	do. of	6	do.	92,304
15,384	do. of	7	do.	107,688
15,385	do. of	2	do.	30,770
15,385	do. of	8	do.	123,080
15,385	do. of	30	do.	461,550

That all powers and duties of Michael Hillegas, Esqr and of the inspectors of the press, signers, and printers of the said emission, directed on the 20th May last, shall extend to the said one million to be emitted, subjected, however, to such directions and instructions as the Board of Treasury may judge expedient.

The Marine Committee, to whom was referred the letter

of the 18 November, 1777, from the navy board for the eastern department, brought in a report, which was taken into consideration;

Resolved, That, considering the necessity of the case, the encouragement given by the said board, to man the ship *Providence*, be approved:

That the bounties given to seamen by the resolve of Congress of the 29 March, 1777, is not to be stopped out of their wages, but deducted from their prize money, where any future prize money is obtained:

That the said navy board be supplied with a number of blank commissions, and that they be empowered to grant commissions to officers not above the rank of lieutenants, where vacancies may happen, and the good of the service absolutely requires that they should be immediately filled, but not otherwise:

That the commissary general of purchases be directed to give an order upon the late commissary, J. Trumbull, for 500 bushels of salt, in favour of the navy board in the eastern department, unless they should be already provided therewith.

Resolved, That the remainder of the report be postponed.

The committee to whom the report on the letters that passed betwixt General Heath and General Burgoyne, and the letter from General Burgoyne to General Gates, was recommitted, brought in a report, which was read.

Adjourned to 3 o'Clock.

THREE O'CLOCK P. M.

Congress took into consideration the report of the committee, on the letters that passed betwixt General Heath and General Burgoyne, and the letter from General Burgoyne to General Gates, which was agreed to, as follows:

"That they have considered, with mature attention, the

convention entered into at Saratoga betwixt Major General Gates and Lieutenant General Burgoyne, in October last, and find numbers of the cartouch boxes, and several other articles of military accoutrements, annexed to the persons of the non-commissioned officers and soldiers, in General Burgoyne's army, ~~many of which were not delivered up on the day of the surrender~~ have not been delivered up, and that, agreeably to the spirit of the convention, and the technical interpretation of the word 'arms,' they ought to have been delivered up:

"This opinion is warranted not only by the judgment of the most approved writers, but by the interpretation and practice of British officers in similar cases in the course of the present war, particularly in the capitulation of St. John's on the 2 November, 1775:

"Your committee farther report, that there are so many other circumstances attending the delivery of the arms and military stores, which excite strong suspicions, that the convention has not been strictly complied with on the part of General Burgoyne, agreeable to its true spirit and the intention of the contracting parties, and so many instances of former fraud in the conduct of our enemies, as to justify Congress, however cautious, to avoid even the suspicion of want of good faith, in taking every measure for securing the performance of the convention, which did not impose any new condition nor tend to delay its execution. Of this nature your committee consider the resolution of Congress of the 8 November last, directing General Heath 'to cause to be taken down, the name and rank of every commissioned officer, and the name, former place of abode, occupation, size, age, and description of every non-commissioned officer and private soldier, and all other persons comprehended in the convention of Saratoga.'

"This cannot be considered as imposing any new condition, but as a measure naturally resulting from the articles of convention, which the conquering party has a right to avail itself of, and which is strictly justifiable, had no just suspicion of the want of good faith in the party surrendering presented itself. Your committee are of opinion, that the reasons, which General Burgoyne adduces for refusing a compliance, are inapplicable to the case, and they beg leave to observe, that he is totally mistaken in his appeal to the conduct of Sir Guy Carleton and himself with respect to the prisoners released from Canada in August, 1776: for, notwithstanding his express declaration to the contrary in his letter of the 23 November last to General Heath, it appears from the original list of the prisoners released from Canada, which is herewith presented, that the provinces, counties, and towns, to which the prisoners released belonged, were annexed to their respective names, which, for the greater security of the conquering party, were in the handwriting of the respective prisoners. Your committee, therefore, cannot but consider General Burgoyne's refusal to give descriptive lists of the non-commissioned officers and soldiers belonging to his army, when connected with his former conduct and ill-grounded assertion on this occasion, in an alarming point of view; more especially when they consider, that nine days previous to this refusal, he had, without just cause given, declared in a letter to General Gates, that the public faith, plighted in the convention of Saratoga, was broken on the part of these states:

"This charge of a breach of public faith is of a most serious nature, pregnant with alarming consequences, and deserves greater attention, as it is not dropped in a hasty expression, dictated by sudden passion, but is delivered as a deliberate act of judgment, committed to writing,

and sent to the general with whom he made the convention; and if credit is to be given to General Burgoyne's account of himself in his letter to General Heath of the 23 November, he cannot be considered 'of so light a character as to have acted in a serious matter of state upon a sudden impression.'

"The reason on which he grounds this charge is, that the officers included in the convention, have not since their arrival in Massachusetts bay, been accommodated with quarters agreeable to their respective ranks: on which your committee beg leave to observe, that though from the sudden and unexpected arrival of so large a body of troops, the concourse of strangers in and near Boston, the devastation and destruction occasioned by the British army, not long since blocked up in that town, and by the American army which besieged them; and considering that the officers were not to be separated from their men, and that the troops could not be quartered with equal convenience in any other place within the limits pointed out and described in the convention, as there are not a sufficient number of barracks in any other part of that state; though from these, and many other unavoidable circumstances, the accommodation of General Burgoyne and his officers ~~'who were not to be separated from their men'~~ might not be such as the public could wish or he expect, yet, his charge of a breach of the public faith, on this account, is not warranted either by the letter of the preliminary articles agreed on between himself and General Gates, on the 14 of October, or by the spirit of the convention, signed on the 16 of the same month; since, by an examination of these articles, it will appear, that the stipulation, with respect to the quartering of officers, was not to be construed in that rigorous sense in which General Burgoyne affects to consider it; but, on

the contrary, that it was 'agreed to as far as circumstances would admit.'

"Your committee forbear to lay any stress on the attempt of the enemy to alter the place of embarkation from the port of Boston to that of Rhode Island or the sound so contiguous to the port of New York, which, as well as that of Rhode Island, is at present in their possession; on the seemingly inadequate number of vessels (being only 26 transports sent to Rhode Island, as appears in a letter from General Pigot to General Burgoyne, dated the 5 December) for an army consisting of 5,642 men, in a winter's voyage to Europe; or on the improbability of the enemy's being able, on so short a notice, to victual such a fleet and army for a voyage of such length; since ~~these suspicions, however strong, unless accompanied with the express declaration of Lieutenant General Burgoyne to General Gates, as above mentioned, and his subsequent refusal to give descriptive lists of the prisoners, would not in their opinion be a warrantable ground for Congress, justly tenacious of public faith, to delay in any manner whatsoever the execution of the convention.~~ the declaration of Lieutenant General Burgoyne, 'that the public faith is broke,' is of itself sufficient to justify Congress in taking every measure for securing the performance of the convention, which the laws of nations, in consequence of this conduct, will justify.

"These facts and opinions, your committee, in a matter of such high moment to the honor and safety of these states, esteem it their duty to report specially; and considering that General Burgoyne has not fully complied with the convention of Saratoga, particularly in not delivering up the cartouch boxes and accoutrements; that he has expressly, and without just foundation, charged these

states with a breach of public faith; that, in consequence of this declaration, whilst in our power, he may deem himself, and the army under him, absolved from their compact, and may, therefore, have refused compliance with a measure naturally resulting from the convention, and which only tended to render his officers and men insecure in case the convention, on their part, was not complied with; considering, farther, that, from the distance between America and Great Britain, there is no opportunity of accommodating this dispute in any reasonable period of time with the sovereign of the state, in behalf of which this convention was made, and that the operations of General Burgoyne's army in America would not only defeat the main object of the convention, but prove highly prejudicial to the interests of these states; your committee submit the whole to the consideration of Congress, in order that such measures may be adopted as are consistent with the safety and honour of the United States."

Whereupon, Congress came to the following resolutions:

Resolved, That, as many of the cartouch boxes and several other articles of military accoutrement, annexed to the persons of the non-commissioned officers and soldiers, included in the convention of Saratoga, have not been delivered up, the convention, on the part of the British army, has not been strictly complied with;

Massachusetts Bay,		*New York*,	
Mr. Dana,	‖declined voting.‖	Mr. Lewis,	ay } ay
Lovell,	ay } *	Duer,	ay }
Rhode Island,		*New Jersey*,	
Mr. Ellery,	no } no	Mr. Witherspoon,	ay } div.
Connecticut,		Clark,	no }
Mr. Dyer,	no } no		

Pennsylvania,			*North Carolina,*		
Mr. Roberdeau,	ay	ay	Mr. Penn,	ay	ay
Clingan,	ay		Harnett,	ay	
James Smith,	ay		*South Carolina,*		
J. B. Smith,	ay		Mr. Laurens,	ay	ay
Virginia,			*Georgia,*		
Mr. F. L. Lee,	ay	div.	Mr. Langworthy,	ay	ay
Harvie,	no		Wood,	ay	

||So it passed in the affirmative.||

Resolved, That the refusal of Lieutenant General Burgoyne to give descriptive lists of the non-commissioned officers and privates belonging to his army, subsequent to his declaration that the public faith was broke, is considered by Congress in an alarming point of view; since a compliance with the resolution of Congress could only have been prejudicial to that army in case of an infraction of the convention on their part.

Resolved, ~~N. C. D~~ That the charge made by Lieutenant General Burgoyne, in his letter to Major General Gates, of the 14 November, of a breach of public faith on the part of these states, is not warranted by the just construction of any article of the convention of Saratoga; that it is a strong indication of his intention, and affords just ground of fear, that he will avail himself of such pretended breach of the convention, in order to disengage himself, and the army under him, of the obligation they are under to these United States; and that the security, which these states have had in his personal honor, is hereby destroyed.

Resolved, therefore, That the embarkation of Lieutenant General Burgoyne, and the troops under his command, be suspended till a distinct and explicit ratification of the convention of Saratoga shall be properly notified by the court of Great Britain to Congress.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JANUARY 9, 1778

The Committee on the Treasury brought in a report, which was taken into consideration: Whereupon,

Ordered, That a warrant issue on the treasurer in favour of John Baynton, Esqr, pay master at Fort Pitt, for twenty thousand dollars, for the payment of the troops in the western department; the said sum to be delivered Major Ewing, to be conveyed to the said pay master, who is to be accountable:

That a warrant issue on Thomas Harwood, Esqr commissioner of the continental loan office for the State of Maryland, for six thousand four hundred and ninety-two and sixty-six ninetieths dollars, in favour of Gordon & Patton, saddlers, in discharge of Colonel George Baylor's order of 27 December last, for that sum, in their favour, for equipping his regiment of light dragoons; the said Colonel Baylor to be accountable.[1]

The committee appointed to take into consideration the letter of the 2, from the council and assembly of the State of Pensylvania, brought in a report, which was read.

That the measure proposed by the State of Pennsylvania merits the utmost attention and speedy ~~concurrence of Congress: more especially as several very important events have lately taken place which seem to promise more ease in the execution and more certain success in the event~~ Determination.

That a copy of said letter and the memorial attending it, be immediately sent forward to his excellency G. W., and that he be directed to take the subject into consideration; when he shall find circumstances favorable to the enterprize; and a proper vigor in the States, that Congress have it much at heart that he avail himself thereof; and in the mean time that he conform his orders and movements thereto, as far as shall be consistent with the interest of the United States.

Agreed

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 9.

That the President inform the President of the State of Pennsylvania that Congress approve the measure they propose; and that as they hope it may be executed if that State will exert a proper vigor they will give all the assistance in their power towards carrying it into effect.

That a copy of said letter be also transmitted to the Governments of New Jersey, Delaware and Maryland with a copy of the resolutions of Congress thereon.

That a copy of said letter and resolutions be also transmitted to his Excellency the Governor of Virginia; and that he be desired to forward with all the dispatch in his power, the levies and recruits which that State have ordered to be raised.

That a Committee be appointed to confer with the Council of Pennsylvania on the subject matter of the letter and if that Council shall judge it necessary to confer by a Committee with General Washington thereon, that they be directed to proceed and cooperate with said Committee of Council.[1]

The committee to whom were referred the letters from Mr. W. Buchanan, commissary general, and Mr. Blaine, deputy commissary general of purchases, brought in a report, which was read.

Adjourned to 3 o'Clock.

THREE O'CLOCK P. M.

Congress resolved itself into a committee of the whole, to take into consideration the report of the committee to whom were referred the propositions from the committee sent to the camp, and, after some time spent thereon, the president resumed the chair, and Mr. F[rancis] L[ightfoot] Lee, reported, that the committee ||of the whole Congress|| have under consideration the matter referred to them, but, not having come to a conclusion, desire leave to sit again.

[1] This report, in the writing of Jonathan Bayard Smith, is in the *Papers of the Continental Congress*, No. 20, II, folio 19.

Resolved, That Congress will to morrow resolve itself into a committee of the whole, to consider farther the report of the committee to whom were referred the propositions from the committee sent to the camp.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 10, 1778

A letter, of the 24, and 28 December last, from Brigadier General Hand, at Fort Pitt, to the Board of War, were laid before Congress:

And a letter of the 9, from W. Palfrey, pay master general, to the Board of Treasury, was laid before Congress, and read.

A letter, of the 2, from General Washington, at Valley Forge, was read, recommending Major Clark to the notice of Congress:[1]

Ordered, That the letter from General Washington, be referred to the Board of War.

That the letters from Brigadier General Hand be referred to the Board of War.

Resolved, That his excellency Governor Henry be requested to enquire of Gabriel Jones and John Walker, Esqrs. two of the commissioners appointed to repair, without delay, to Fort Pitt, agreeably to a resolution of Congress of the 20th of November last, whether they accept of this appointment, and if they, or either of them, declines, to appoint a proper person or persons in his or their stead, who shall enter upon the business without delay.

Congress proceeded to the election of two auditors to audit and settle the public accounts in the main army, and the ballots being taken, Matthew Clarkson and Major John Clark, Esqrs. were elected.

[1] The letters of Hand are in the *Papers of the Continental Congress*, No. 159, folios 423 and 427; that of Washington is in No. 152, V, folio 245.

Ordered, That the letter from Mr. Palfrey be referred to the Board of Treasury.

The Committee on the Treasury brought in a report, which was taken into consideration: Whereupon,

Ordered, That a warrant issue on the treasurer in favour of John Penn, Esqr ||delegate from the State of North-Carolina,|| for 276 45/90 dollars, advanced him which is to be charged to the State of North Carolina, and to be considered as a part of the 500,000 dollars, formerly appropriated for the use of the said State:

Ordered, That a warrant issue on John Gibson, Esqr auditor general, for 500 dollars, in favour of William Palfrey, Esqr paymaster general, for which he is to be accountable:

Ordered, That a warrant issue on the treasurer in favour of Mons. Lotbinier, a Canadian Chaplain, for his pay due this day for 40 dollars:

Ordered, That a warrant issue on the treasurer in favour Captain William Scott, for five hundred dollars, advanced for the pay, and to purchase blankets for his company, belonging to one of the 16 regiments, commanded by Colonel Thruston; the said Captain Scott to be accountable.[1]

Adjourned to 3 o'Clock.

THREE O'CLOCK, P. M.

The committee to whom was referred the motion for appointing a committee of Congress to repair to camp, brought in a report, which was taken into consideration; whereupon, Congress came to the following resolution:

Whereas, it is essential to the promotion of good discipline and œconomy in the army of these states, that the most speedy and effectual measures should be adopted for

[1]This report is in the *Papers of the Continental Congress*, No. 136, II, folio 11.

reducing the number of regiments in the continental service, and for reforming the abuses which have too long prevailed in the different departments belonging to the army:

Resolved, That three members of Congress, together with three members of the Board of War, be appointed a committee to repair to General Washington's headquarters, as soon as may be, and, in concert with him, to form and execute a plan for reducing the number of batallions in the continental service, reporting to Congress the names and ranks of such officers of merit now in the service as cannot be annexed to the batallions retained in the establishment, taking particular care in the appointment of officers to these batallions not to annex officers belonging to one State, to the batallions raised by another State; to recommend to Congress the necessary appointments of general officers; to remove officers in the civil departments of the army for misconduct, negligence, or incompetency, and to appoint others in their room, till the pleasure of Congress can be known; to remove all just causes of complaint relative to rank, confining it as nearly as possible to the military line; to report upon the expediency of appointing brigade instead of regimental chaplains, and also to remove from office any chaplain for ignorance or negligence in the duties of his office or for immoral conduct; to determine, and report as soon as may be, to Congress, their opinion of the necessary reinforcements for the cavalry, artillery, and infantry, and the best mode of obtaining them; to report such alterations as they shall deem expedient in the regulations of the several departments of the army, and, in general, to adopt such other measures as they shall judge necessary for introducing œconomy and promoting discipline and good morals in the army.

The members of Congress chosen, Mr. [Francis] Dana, Mr. [Joseph] Reed, and Mr. [Nathaniel] Folsom.

||Adjourned to 10 o'Clock on Monday.||

MONDAY, JANUARY 12, 1778

The President laid before Congress a packet containing blank papers, which he informed Congress he received yesterday from a John Folger, who says he was sent by the commissioners at Paris, with despatches to Congress:

Ordered, That Mr. [Francis] Dana and the Board of War take the examination of the said John Folger respecting this packet.

Congress proceeded to the election of three members of the Board of War, to join the three members of Congress, and proceed to the camp for the purposes mentioned in the resolution passed on Saturday, and, the ballots being taken, Major General Gates, Major General Mifflin, and Colonel Pickering, were elected.

Resolved, That another member of Congress be added to the foregoing committee.

The member chosen, Mr. [John] Harvie.

A letter, of the 10th, from Samuel and Robert Purviance, at Baltimore, was read ~~informing among other things that a vessel is arrived there with 2500 bushels of salt~~.

Adjourned to 3 o'Clock.

Three o'Clock, p. m.

The committee appointed to examine J. Folger respecting the despatches with which he was charged by the commissioners at Paris, laid before Congress his examination, reduced to writing, which was read; Whereupon,

Resolved, That the president inform Governor Caswell, of North Carolina, of the purport of the said examination, and request him to examine the persons who came over in the vessel with J. Folger, and inform Congress of every circumstance that may come to his knowledge respecting the said despatches:

That the Board of War be directed to confine the said John Folger in close prison, till advice can be received from Governor Caswell, or till further orders from Congress.

Resolved, That copies of the report of the committee on the letters that passed between General Heath and General Burgoyne, and General Burgoyne's letter to General Gates, together with resolutions of Congress thereon, signed by the president, and attested by the secretary, be transmitted to the several states, to General Washington, and two copies to Major General Heath, who is directed to furnish Lieutenant General Burgoyne with one copy of the same, and to order the vessels which may have arrived, or which shall arrive, for the transportation of the army under Lieutenant General Burgoyne, to quit, without delay, the port of Boston.

Resolved, That the council of Massachusetts bay be requested to afford to General Heath the necessary assistance for immediately increasing the guards placed over the troops of General Burgoyne, to the number, if they judge proper, of fifteen hundred or more, and that they be not reduced until the transports of the enemy shall have left the port of Boston, and ~~the post at Providence shall be properly reinforced~~ so long afterwards as the council shall judge necessary.

Whereas, Congress have received information that a sloop named the *Pennsylvania Farmer* is arrived at Baltimore from Curoçoa, with a load of salt, the property of

Mr. Gerardus Beekman, a citizen of the State of New York, but now with the enemy in the city of Philadelphia: and whereas, the delegates representing the State of New York have applied for the interposition of Congress, that proper measures might be taken for seizing the salt; and whereas the public service will suffer the most material injury if the most expeditious measures are not adopted for securing this cargo for the use of the United States:

Resolved, That the governor and council of the State of Maryland be desired forthwith to take measures for securing the said salt for the use of the United States, and to cause the same, without delay, to be delivered to the commissary general of purchases, or any of his deputies; and in case the information given to Congress should be ill founded, and that the cargo above-mentioned should be *bona fide* the property of any faithful citizen of these states, or of any foreigner, that the governor and council of the State of Maryland be desired to seize the same, as well as all other quantities of salt, and to cause the same to be delivered, agreeable to the directions above mentioned.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JANUARY 13, 1778

A letter from Mons. de la Balme; one, of the 13th December last, from Colonel Radière, with a memorial from the same; one, of the 6th December, from Baron de Steuben, at Portsmouth, New Hampshire, with sundry letters, recommending him to Congress; one of the 10th January from James Mease, at Lancaster; one, of the 18 December, from Lieutenant Colonel Campbell, a prisoner at Concord, in the State of Massachusetts bay; a letter of the 17 December, and one of the 25 December,

1777, from General Heath; also, ~~a letter of the 4th January, with a copy of a letter to General Gates~~ ||one of the 4th,|| one of the 5th, and one of the 9th, from General Washington; a letter of the 10th, from Captain Barry, attending at York town, were read:[1]

Ordered, That the letter from Mons. de la Balme, the letter and memorial from Colonel Radière, the letter from Colonel Campbell, and the letter of the 9, and that of the 5, from General Washington, be referred to the Board of War:

That the letter from Mr. Mease be referred to the Board of Treasury; the letter from Captain Barry to the Marine Committee.

Whereas, the declaration of Lieutenant General Burgoyne, in his letter of the 14 November last, to Major General Gates, that the public faith is broke on the part of these states, and other reasons set forth in the resolutions of Congress of the 8 January instant compelled Congress to adopt measures for securing the performance of the convention of Saratoga on the part of the court of Great Britain, whereby the embarkation of Lieutenant General Burgoyne's army has been necessarily suspended; and whereas, the subsistence of that army, in the State of Massachusetts bay, is not only extremely burthensome to these states, but tends greatly to distress the inhabitants of the country wherein they are quartered, and it is contrary to the principles of justice, that these states should suffer inconveniences from the conduct of Lieutenant General Burgoyne, which could not be foreseen at the time when the convention of Saratoga was entered into:

[1] The letter from La Balme is in the *Papers of the Continental Congress*, No. 78, VII, folio 149; the letter and memorial of La Radière are in No. 78, XIX, folios 189 and 193; that of Steuben is in No. 19, V, folio 547; that of Campbell is in No. 78, V, folio 125; those of Heath are in No. 157, folios 57 and 61; and those of Washington are in No. 152, V, folios 249, 255, and 267.

Resolved, That General Washington be directed again to require of General Howe proper passports for vessels to transport salted meat, flour, and fuel to Boston, necessary for the subsistance of Lieutenant General Burgoyne's army, during the time they shall be necessarily detained in the State of Massachusetts bay, in consequence of the resolutions of Congress of the 8 January instant, and that General Howe be informed, that in case of his refusal to comply with this just request, these states will not deem themselves answerable for subsisting General Burgoyne's army, agreeable to the terms of the convention of Saratoga; but shall think themselves at liberty to remove or separate the said army, to such parts of the State of Massachusetts bay, as they may be conveniently subsisted in, till the convention of Saratoga shall be ratified by the court of Great Britain, and properly notified to Congress.

Adjourned to 3 o'Clock.

THREE O'CLOCK, P. M.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Resolved, That William Palfrey, Esqr pay master general, be directed to order William Bedlow, his assistant, at Peekskill, to pay up the troops there to the 31st December last; and that Jonathan Trumbull, Jun. Esqr deputy pay master general, be directed to pay from that time, all the troops under the command of any officer or officers in the northern department, or State of New York:

That the pay master general be empowered to appoint an assistant in his office, and a clerk for six months, in addition to one already employed by him:

That seventy dollars per month, and two rations a day, be hereafter allowed to each assistant, and fifty dollars a

month to each clerk, in the office of the pay master or deputy pay master general.[1]

The Board of War, to whom was referred the letter of the 20th December from General Spencer, brought in a report, which was taken into consideration; Whereupon,

Resolved, That it be earnestly recommended to the states of New Hampshire, Massachusetts bay, Rhode Island, and Connecticut, immediately to furnish, and keep up constantly in the State of Rhode Island and Providence Plantations, for the defence of the said State, their several quotas of troops, as adjusted by the resolution of a committee from the said states and the State of New York, which met at Springfield, the 30 of July last:

That a deputy quarter master general, a deputy adjutant general, a deputy muster master general, and a deputy commissary general of issues,[2] be appointed to act, *pro tempore*, for the troops aforesaid: that the deputy commissary general of issues be appointed by the council of war of the State of Rhode Island and Providence Plantations; that the deputy quarter master general, deputy adjutant general, and deputy muster master general, be appointed by the officer commanding at that post; and that each of the foregoing officers take the oaths of fidelity and office required before they enter upon the execution of their respective offices:

That General Spencer, or the commander of the forces aforesaid, be informed, that if provisions cannot be procured at reasonable rates, and he shall be obliged to impress them, he shall direct certificates to be granted, promising payment at such rates as shall be settled by the

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 13.

[2] The original report provided also for a deputy pay master general, but a marginal note shows that that proposition was referred to the Board of Treasury. The manner of appointing those officers was added in Congress after the report had been presented.

onvention of committees to meet at New Haven, the 15 nstant, in pursuance of a resolve of Congress of the 22 Iovember last; and that this resolution have retrospect s to all accounts not liquidated for provisions or services upplied or performed to the 1st day of November, which re to be paid at the convention prices, [and all other nliquidated accounts for services or provisions supplied r performed since that period to the date of this reso- ution, to be paid for at the prices for which they are ontracted.][1]

Resolved, That General Spencer's resignation, for the easons offered by him in his letter of the 20 of Decem- er, be accepted, when he shall be relieved from his resent command by a suitable officer of the rank of a najor general, who is to be immediately sent to take the ommand of the troops raised for the defence of the State f Rhode Island and Providence Plantations.

Resolved, That such parts of the letter from General pencer as relate to money, be referred to the Board of reasury, also that part relating to his allowance as in a eparate department.[2]

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 14, 1778

Resolved, That two members be added to those who at resent conduct the business of the Board of War, till the ommissioners for that purpose appointed can meet: the nembers chosen, Mr. [Edward] Langworthy, and Mr. [onathan] B[ayard] Smith.

[1] The words in brackets were added in Congress.

[2] This report, dated January 12, is in the *Papers of the Continental Congress*, No. 147, folio 431. The members present were Francis Lightfoot Lee, William Duer, and ohn Harvie.

Congress took into consideration the report of the committee on the letters from W. Buchanan, and E. Blaine, Esqrs.; Whereupon,

~~That it is the duty of the commissary of prisoners to purchase provisions by himself or deputies, to answer the demands of his department.~~

Resolved, That the order of the commissary of prisoners shall be a sufficient voucher to the commissary, or deputy commissaries general of purchases, for the delivery of provisions for the use of prisoners of war.

Resolved, That by the resolution of October 22, 1777, the commissary general of purchases is invested with powers adequate to, and sufficient for, the purpose of importing salt for the use of the army.

Resolved, That the powers and directions contained in the resolution aforesaid, for procuring salt, be extended to the article of rum for the army.[1]

Ordered, That the farther consideration of the report be postponed to the afternoon.

Adjourned to 3 o'Clock.

THREE O'CLOCK, P. M.

Resolved, That the Board of War of the State of Massachusetts bay be requested to import from the middle or southern department fifteen thousand barrels of flour, to supply the magazines of the eastern district for the next campaign, over and above what may be imported by the deputy commissary general of purchases for that purpose; and deliver the same to the deputy commissary general of issues or his deputies, there to be deposited agreeably to the orders of the commanding officer in that

[1] This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 19, I, folio 439. The amendments are on folio 443.

district, and that compensation be made to the Board for their trouble herein:

That the Board be empowered to purchase, charter or hire on freight, as they may judge most for the interest of these states, vessels for this purpose, and draw on Congress for the money to purchase the flour, or on William Aylett, Esqr deputy commissary general of purchases in Virginia, for so much of the flour as they may order to be shipped from Virginia; that if the whole quantity of flour cannot be readily obtained, the Board be empowered to make up the deficiency by importing rice from South Carolina.

Ordered, That a warrant for 50,000 dollars be drawn on the commissioner of the loan office in the State of Massachusetts bay, in favour of the said Board of War, for the purpose mentioned in the foregoing resolution.

In consequence of an adjustment by the commissioners of claims, the assistant auditor general reports,

That there is due to Dr. John Houston, for his and his assistant's pay, while they acted in a batallion of York county associators, commanded by Colonel Donaldson, as per General Mercer's orders to Pay Master Dallam, the sum of 63 45/90 dollars:

That there is due to the Hon. Eliphalet Dyer, for the expences of a committee of Congress, sent to the assembly of the State of Pensylvania on public business, the sum of 127 39/90 dollars:

That there is due to the Hon. Elbridge Gerry, Esqr for the expences of himself and Mr. Jones on a committee to confer with General Washington, the sum of 145 78/90 dollars:

That there is due to Captain Ephraim Pennington, for the pay of a detachment of York county militia, raised for the purpose of guarding public stores in this place ||town

of York,|| by direction of the Board of War, the sum of 646 67/90 dollars:[1]

Ordered, That the said accounts be paid.

Whereas the Baron Steuben, a lieutenant general in ~~the armies of the King of Prussia~~ foreign service, has, in a most disinterested and heroic manner, offered his services to these states in the quality of a volunteer:

Resolved, That the president present the thanks of Congress, in behalf of these United States, to the Baron Steuben, for the zeal he has shewn for the cause of America, and the disinterested tender he has been pleased to make of his military talents; and inform him, that Congress cheerfully accept of his service as a volunteer in the army of these states, and wish him to repair to General Washington's quarters as soon as convenient.

Congress resumed the consideration of the report of the committee on the letters from Mr. Buchanan and Mr. Blaine; Whereupon,

Resolved, That a deputy commissary general of purchases be appointed for the middle district, in addition to Ephraim Blaine, Esqr., deputy commissary general for the said district [and that the commissary general of purchases, after consulting with Mr. Blaine, be directed to assign that part of the district in which the additional deputy commissary general shall act.][2]

~~That the present commissariate system, having by experience proved insufficient for supplying the Army with Provisions, it is therefore the Opinion of your Committee, that said system be referred to a special committee, to examine and make such Alterations, and Amendments therein, as may remove the difficulties which at present obstruct the business of the commissariate department.~~

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 15.

[2] The words in brackets were an amendment. Francis Dana offered the following: "That no Commissary of Prisoners, appointed by or acting under General Howe, shall be permitted to reside within any part of the United States of America and if any such commissary" [*incomplete*].

Resolved, That the commissariate system be referred to a committee of three, who are directed to revise the same, and to report such alterations therein as they shall deem best calculated to answer the end of its institution: the members chosen, Mr. [Abraham] Clark, Mr. J[onathan] B[ayard] Smith, and Mr. [Elbridge] Gerry.

Resolved, That General Heath be directed to appropriate to the use of the troops in the continental service, and of the prisoners in the eastern district, such of the salted provisions there, belonging to the United States, as cannot be preserved for the next campaign.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the commissioner of the loan office in the State of Maryland, for 10,000 dollars in favour of the Marine Committee, to answer a demand made by Samuel and Robert Purviance, continental agents in Baltimore; the said committee to be accountable:

Resolved, That Ebenezer Hancock, Esqr deputy pay master general of the eastern district, be directed, forthwith, to appoint an assistant pay master, constantly to attend and pay the army stationed in or near Providence, for the defence of the State of Rhode Island and Providence Plantations, applying to Congress, from time to time, for the necessary supplies of money for the same; and that the commanding officer in the said State be fully empowered to draw on the said assistant pay master for the necessary supplies of the army aforesaid.

Ordered, That a warrant issue on the treasury in favour of the Board of War, for 350,000 dollars, of which 100,000 dollars to be by them transmitted to Ebenezer Hancock, Esq. deputy pay master general at Boston, and 250,000

dollars to his assistant, in the State of Rhode Island; the said Ebenezer Hancock to be furnished with a copy of this resolution, and to be accountable for the whole sum.

Resolved, That General Heath be directed to appropriate to the use of the Troops in the Continental service, and of the Prisoners in the Eastern District, such of the Salted Provisions there belonging to the United States as cannot be preserved for the next campaign.

That a warrant issue on the treasurer in favour of the Board of War, for 700,000 dollars, of which 200,000 dollars to be transmitted by them to William Bedlow, assistant pay master, at Peekskill; and 500,000 dollars to William Palfrey, Esqr, pay master general, who is to be accountable for the whole sum.

Resolved, That General Heath be informed, it is the intention of Congress that officers in the commissary, quarter master, and cloathier general's departments should receive the money required by them to make the necessary purchases, by applying to the officers at the head of the respective departments, and that he make no advances in future to any of them, unless it shall be absolutely necessary, in which case, he is to inform the Board of Treasury of the sums advanced, and the particular circumstances of the case.

Resolved, That a warrant issue on Nathaniel Appleton, Commissioner of the Continental Loan Office for the State of Massachusetts Bay, for Fifty thousand Dollars in favour of the Hon. Board of War of said State, to be appropriated to the purpose of importing flour and rice, agreeable to a resolution of Congress of this date.[1]

Ordered, That a warrant issue on the treasurer in favour of William Palfrey, Esqr pay master general, for four thousand dollars, to be advanced by him to the pay

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 17.

master, and for the use of the North Carolina light horse; the said pay master general to be accountable.[1]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 15, 1778

Resolved, That a committee of three be appointed to take into consideration the State of Georgia: the members chosen, Mr. [Cornelius] Harnett, Mr. ||F[rancis] L[ightfoot]|| Lee and Mr. [Eliphalet] Dyer.

The committee appointed, by Congress, in addition to the Board of War, to take into consideration the necessity and propriety of laying up magazines of provisions for the army, brought in a report, which was read and debated, and sundry amendments made; after which,

It was moved, in lieu of the whole,

"That the Board of War be directed to write immediately to the president of the executive council of the State of Pensylvania on the subject of purchasing flour for the army, and laying up magazines, and if it should appear, that the said State have taken effectual measures for procuring the same, that the Board of War direct the transportation thereof to the army, or such magazines as they may think proper; but, if such measures have not been taken for that purpose, as the Board of War may think will be certain and effectual, then the Board of War to appoint suitable persons to execute that business."[2]

New Hampshire,			*Rhode Island*,		
Mr. Folsom,	ay	ay	Mr. Ellery,	ay	ay
Frost,	ay		*Connecticut*,		
Massachusetts Bay,			Mr. Dyer,	ay	ay
Mr. Gerry,	no	no	*New York*,		
Dana,	no		Mr. Lewis,	no	no
Lovell,	no		Duer,	no	

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 19.

[2] This paragraph, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 21, I, folio 139. The vote is endorsed on it by Charles Thomson.

New Jersey,		
Mr. Witherspoon,	ay	ay
Clark,	ay	
Pensylvania,		
Mr. James Smith.	ay	ay
Clingan,	ay	
J. B. Smith.	ay	
Virginia,		
Mr. F. L. Lee,	no	no
Harvie,	no	
North Carolina,		
Mr. Penn,	no	no
Harnett,	no	
South Carolina,		
Mr. Laurens,	no	no
Georgia,		
Mr. Langworthy,	no	no
Wood,	no	

So it passed in the negative.

Adjourned to 3 o'Clock.

THREE O'CLOCK, P. M.

Congress resumed the consideration of the report || of the committee under debate in the forenoon; || which was agreed to as follows:

Resolved, That one or more proper persons be immediately employed by the Board of War, on the best terms in their power, to purchase thirty thousand barrels of flour, or wheat equivalent, and have it ground into flour, and to deposite twelve thousand barrels, part thereof, at or near Lancaster, eight thousand barrels at or near Reading, six thousand barrels at or near Bethlehem, two thousand barrels at Downingstown, and two thousand barrels at Pottsgrove:

That the commissioner or commissioners employed to execute this business, have full power and authority to employ all mills, millers, and coopers necessary, on the best terms they can, to compleat the said quantity of flour with all possible expedition:

That the commissioner or commissioners be empowered to hire or impress waggons sufficient to make the necessary transportation of the flour to the places where it is

to be deposited, and to pay the hire of the said waggons, at the same rate paid by the quarter master general:

That the Board of War be empowered to limit the prices to be given for the said wheat and flour, and to give such orders and directions to the commissioners as they shall think proper or necessary, from time to time: provided, that no limitation to be made by the Board of War, with respect to price, shall contravene any acts of the legislature of Pensylvania, or any of the regulations which may be made hereafter by the convention of committees which is to meet at New Haven, in Connecticut, on this fifteenth day of January:

That these magazines, being established without the interference of the commissary general, or his officers, shall, when necessary, be ordered under the direction of the issuing commissary general by the Board of War:

That General Washington be directed to support the commissioners in the execution of their duty, with military force, if necessary:

That the Board of War be empowered to direct the said commissioners to purchase any fat cattle and salted meat they meet with in their tours through the country, on the best terms in their power, and deliver the same to the commissary general of issues, or his deputies, taking their accountable receipts for what they so delivered:[1]

That the Board of War enquire of his Excellency Thomas Wharton, Esqr, president of the council of the State of Pensylvania, what measures have been taken by the legislature of that State, for laying up magazines for the army; and if it should appear to the Board, after such enquiry, that measures for that purpose have been taken adequate to the present critical situation of the army with

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 435. It is signed by Francis Lightfoot Lee as chairman of the committee. It is endorsed: "Partially debated 13 a. m. and postponed. Passed January 15."

respect to supplies, they be authorized and directed to suspend the execution of the whole, or such parts of the foregoing resolutions, as they shall deem most conducive to the general weal.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the Board of War be authorized to direct Colonel Flower to make a contract with Mr. Whitehead Humphreys, on the terms of the former agreement, or such other as Colonel Flower shall deem equitable, for making a quantity of steel, for the supply of the continental artificers and works with that necessary article; and as the iron made at the Andover works only will with certainty answer the purpose of making steel, Colonel Flower be directed to apply to the government of New Jersey to put a proper person in possession of these works, (the same belonging to persons who adhere to the enemies of these states) upon such terms as the government of the State of New Jersey shall think proper; and that Colonel Flower contract with the said person for such quantity of iron as he shall think the service requires.

Resolved, That a letter be written by the Board of War to the governor and council of the State of New Jersey, setting forth the peculiarity of the demand for these works, being the only proper means of securing iron for steel, an article without which the service must irreparably suffer; and that the said governor and council be desired to take such means as they shall think most proper for putting the said works in blast, and obtaining a supply of iron without delay.

Resolved, That the memorial of the Chevalier Armand be referred to the committee appointed by Congress to repair to camp for the reformation of the army:

That the letter from Colonel Alexander Scammell to

General Folsom, which was referred to the Board of War, be referred to the committee appointed to reform the army; and that they be instructed to enquire, in their progress to camp, into the state of the cloathing department at Lancaster, and to take such measures for the relief of the New Hampshire troops as shall be consistent with regard to the general wants of the army.

The Board of War having reported, that, in pursuance of the resolution of Congress of the 8 November last, they have entered into articles of agreement with Monsr Fouquet, the father and son, and have engaged them in the service of the United States; Whereupon,

Resolved, That in compliance with the said agreement, Monsr Fouquet, the father, have the brevet rank of a captain, and Mark Fouquet, the son, the brevet rank of lieutenant of artillery in the army of the United States, and that their brevets bear date from the 17th of November last, the day the contract was entered into.[1]

A memorial from W. Buchanan, Esqr commissary general, was read:[2]

Ordered, That it be referred to the Board of War.

A proposition being laid before Congress for supplying the army with whiskey, &c. at certain stipulated prices,

Resolved, That the same be referred to the Board of War, who are directed to report thereon.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JANUARY 16, 1778

The Board of War brought in a report, which was taken into consideration, and after some debate thereon,

Resolved, That the same be re-committed.

Adjourned to 3 o'Clock.

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 439, dated January 13. The members present were Francis Lightfoot Lee, William Duer, and John Harvie.

[2] This memorial, dated January 15, is in the *Papers of the Continental Congress*, No. 41, I, folio 154.

THREE O'CLOCK, P. M.

A letter, of the 11, from Governor Johnson, of Maryland, was read:[1]

Ordered, That it be referred to the Board of War.

Congress took into consideration the report of the committee on the letter of the 2, from the council and assembly of the State of Pensylvania; Whereupon,

Resolved, That Congress highly applaud the rising spirit of the inhabitants of Pensylvania, to regain the capital of their State and drive out our cruel invaders; that Congress are ready and willing with all their power to co-operate with them for effecting this salutary purpose; that to this end, the committee appointed to go to the camp, be directed to consult with the president and council of the State of Pensylvania, and with General Washington, on the subject, and if upon consultation the measure shall be deemed practicable, that they be fully empowered to call on the neighbouring states for such aids as they shall think necessary, and take every measure which they shall think proper for effecting the end proposed.

Resolved, That Mr. J[onathan] B[ayard] Smith be added to the committee for printing the journals of Congress.

Resolved, That the letter of 18th December from Colonel Campbell, ||which was referred to the Board of War,|| be referred to the committee appointed to go to the camp.

Ordered, That the letters of the general officers, which were delivered by General Washington to the committee lately sent to the camp, and which were by them laid upon the table, agreeable to the order of Congress, for the perusal of the members, be returned to the General by the committee now going to the camp.

Adjourned to 10 o'Clock ||to Morrow.||

[1] This letter is in the *Papers of the Continental Congress*, No. 70, folio 237.

SATURDAY, JANUARY 17, 1778

Mr. [Charles] Carroll and Mr. [James] Forbes, two of the delegates from Maryland, attended and produced the credentials of their appointment, which were read as follows:

By the General Assembly of the State of Maryland,

Dec. 22d, 1777.

Resolved, That Samuel Chase, George Plater, Charles Carroll, of Carrollton, Thomas Stone, James Forbes, and John Henry, jun. esqrs. or any two of them, be delegates to represent this state in Congress, for and during the term of one year. By order,

A. C. Hanson, *C. S.*
G. Duvall, *C. H. D.*

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Resolved, That ten millions of dollars be borrowed on the credit of the United States, at an annual interest of six per cent. and that loan office certificates of the following denominations be forthwith struck, under the direction of the Treasury Board, [and signed by Michael Hillegas, Esq[r] treasurer, or Samuel Hillegas, and countersigned by the respective commissioners who shall borrow the money,] viz:

3333	certificates	of	200	dollars each,	666,600
3333	do.	of	300	do.	999,900
3333	do.	of	400	do.	1,333,200
3333	do.	of	500	do.	1,666,500
3333	do.	of	600	do.	1,999,800
3334	do.	of	1000	do.	3,334,000
					10,000,000[1]

Resolved, That the committee to whom was referred the letter from the council of safety of New York, be discharged from that service.

Adjourned to 10 o'clock on Monday.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 21. The words in brackets were inserted by Elbridge Gerry.

MONDAY, JANUARY 19, 1778

A letter, of the 18th, from W. Shippen, Jun. director general, and one, of the 12, from Jonathan Hudson, at Baltimore, were read:[1]

Ordered, That the letter from J. Hudson be referred to the Board of Treasury.

~~Resolved, That Mr. [James] Forbes be added to the Committee of Commerce.~~

Resolved, That a member be elected from the delegates of Maryland, to be added to the Marine Committee: The member chosen, Mr. [James] Forbes.

Resolved, That four members be added to the Board of Treasury, and that any three of the members form a board, and be empowered to proceed to business: the members chosen, Mr. [Abraham] Clark, ~~Mr. J. B. Smith,~~ Mr. [Daniel] Roberdeau, Mr. [James] Forbes and Mr. [Edward] Langworthy.

A petition from Captain Durkee, Lieutenant Spaulding, and Timothy Pierce, was read:

Ordered, That it be referred to the committee appointed to repair to the army.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the Treasurer in favour of the Board of War for 500 dollars, advanced at their request, to enable them to send off the several sums of money ordered by Congress to camp, Albany, and Boston; the said Board to be accountable.[2]

In consequence of an adjustment by the commissioners of claims, the assistant auditor reports,

[1] The letter of Shippen is in the *Papers of the Continental Congress*, No. 78, XX, folio 171.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 25.

That there is due to a detachment of York county militia, commanded by Captain Ephraim Pennington, appointed as guards to the public stores, &c. in this place ||the town of York,|| for parts of rations retained by the issuing commissary, the sum of 73 66/90 dollars:[1]

Ordered, That the said account be paid.

Congress resumed the consideration of the report of the Marine Committee of the 8 January; Whereupon,

Resolved, That officers of the navy, not in actual service, be entitled to their pay, but not to rations, nor to the subsistance money allowed by the resolution of the 25 July, 1777.

Congress took into consideration the report of the committee on the allowance to be made to officers captured by the enemy: Whereupon,

Resolved, That all continental officers in the land service, who are or may be captured by the enemy, be allowed their pay while in the enemy's possession, and also when admitted on their parole, for so long time as they continue to be officers of the United States, and liable to be called into service upon being released from their captivity; and that their rations be allowed them during the term of their captivity; deducting therefrom such supplies as they may, in that time, have received from the enemy, [or from the commissary of prisoners:][2]

That all flying camp and militia officers captured by the enemy, while in the service of the United States, be allowed their pay while in the enemy's possession; and also their rations during the term of their captivity, deducting therefrom such supplies as they may, in that time, have received from the enemy, or from the commissary of prisoners; and also that pay be allowed to such flying camp and militia officers, who have been or may be ad-

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 23.

[2] Words inserted by Henry Laurens.

mitted to their parole for so long time as the soldiers under their respective commands were ordered into service.[1]

Adjourned to 3 o'Clock.

THREE O'CLOCK, P. M.

The Board of War, to whom the memorial from William Buchanan, was referred, brought in a report, which was taken into consideration: Whereupon,

Resolved, That copies of the proposals of William Buchanan Esqr, commissary general of purchases, for establishing a communication to transport provisions from South Quay, on Albemarle Sound, in the State of North Carolina, to Elkridge Landing, at the head of Patapsco, in the State of Maryland, be transmitted to the governors of the States of North Carolina, Virginia, and Maryland, and that it be earnestly recommended to them forthwith to establish a sufficient number of waggons and boats, under the direction of active and careful persons, for transporting weekly five hundred barrels of meat across the communication in their respective states, as specified in Mr. Buchanan's proposals,[2] or on such other as they shall deem more eligible, and to open proper roads, if necessary, for such purpose.

Resolved, That the said governors be desired to co-operate with each other in this matter, and to communicate, from time to time, to the Board of War, their opinions and proceedings relative thereto:

That the governors of the respective states above mentioned, be authorized to draw bills on the continental

[1] This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 21, I, folio 137. It was read in Congress, December 23, 1777.

[2] "From the best information I can give on the subject, the inland route from N. Carolina is as to the shortest land carriage as at foot. As considerable supplies of pork, salt and other articles are to be looked for not only from Carolina but from the different rivers mentioned in the route, permit me to suggest to Congress the pro-

treasury, for such sums of money as may be necessary for procuring waggons and proper boats for the purposes specified in the foregoing resolution.[1]

A letter, of the 6th, from Brigadiers M'Intosh, Knox, Maxwell, Poor, Weedon, Huntington, Scott, Paterson, and Varnum, and

A letter, of the 12, from Major General Greene, respecting the promotion of General Conway, were read:[2]

Ordered, To lie on the table.

A letter, of the 31 October last, from Monsr Ferd. Joseph Sebast. de Brahme; one, of the 20, and one of the 31 December from Governor Clinton, ||of New York,|| and one, of the 7 and 8 inst. from Governor Livingston, of New Jersey, were read:[3]

Ordered, That they be referred to the Board of War.

priety of establishing boats and waggons at the several stages to be used at such times as the mouths of the rivers are in possession of the enemy.

"This communication being in the hands of the public would, if aided by the respective states effectually stop all pedling injurious to their service."

"WILL. BUCHANAN *C. G. P.*

"York town 15 Jany. 1778.

"From South Quay, Albemarle, to Suffolk on James River 16 miles 13 Waggons

James River to York River	2	2	do
York River to Rappahanock	20	14	do
Rappahanock to Potomack	12	9	do
Bladensburgh, on Potomack, to Elkridge landing	25	17	do
	75	55	

"Thence to the head of Chesapeak bay is very rarely interrupted by the enemies ships.

"The waggons above mentioned would bring on stores equal in wt. to 500 bbs pork weekly wch with the use of the bay when safe w^{d} I expect answer the purpose in view."—*Note in the MS. Journal.*

[1] This report, dated January 17, is in the *Papers of the Continental Congress*, No. 147, I, folio 443. The Members present were Francis Lightfoot Lee, William Duer, John Harvie, Jonathan Bayard Smith, and Edward Langworthy.

[2] The joint letter is in the *Papers of the Continental Congress*, No. 162, folio 276; that of Greene is in No. 155, I, folio 51.

[3] The letter of Clinton is in the *Papers of the Continental Congress*, No. 67, II, folio 98; those of Livingston are in No. 68, folios 317 and 321.

A letter of 23 December from John Adams, was read, informing Congress of his accepting the office of commissioner to the court of France.[1]

Also a letter, of the 13, from General Washington, was read,[2] wherein he recommends "the Chevalier de Mauduit du Plessis to be promoted to the rank of lieutenant colonel," and mentions that "the gallant conduct of this young gentleman, at Brandywine, Germantown, and his distinguished services at Fort Mercer, where he united the offices of engineer and commandant of artillery, entitle him to the particular notice of Congress;" that "he made several judicious alterations in the works at Red Bank, shewed great good conduct during the action, in which the Hessians were repulsed;" that "after the evacuation was determined on, he became the means of saving some valuable artillery and stores, and cheerfully undertook, as volunteer, the hazardous operation of blowing up the magazine, &c. without the apparatus usually provided upon such occasions;" adding in Mr. du Plessis's favour, "that he possesses a degree of modesty not always found in men who have performed brilliant actions:" Whereupon,

Resolved, That a brevet of lieutenant colonel be granted to the Chevalier de Mauduit du Plessis, as a reward for his services and an encouragement to merit; and that his commission bear date the 26 November, 1777, in order that the recompence may more immediately follow the services which he has done.

Adjourned to 10 o'Clock to Morrow.

[1] This letter is printed in the *Revolutionary Diplomatic Correspondence* (Wharton), II, 458.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 271.

TUESDAY, JANUARY 20, 1778

Mr. [John] Henry, a delegate from Maryland, and Mr. G[ouverneur] Morris, a delegate from New York, attended, and took their seats.

Resolved, That the Board of War be directed to enquire of General Gates, whether he can go to camp, agreeable to his appointment, for the purpose mentioned in the resolution of the 10th instant and when he can set out on that business.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the Treasurer in favour of Whitehead Humphreys, for 3,022 61/90 dollars, being the balance of his account for steel he furnished Colonel Flower, commissary general of military stores, as per his deputy, Cornelius Sweer's certificate, and agreeable to a contract made by direction of the Board of War; the said commissary general to be accountable:

Ordered, That a warrant issue on the Treasurer in favour of Lawellin Barry, an express rider, for 200 dollars, to be advanced him; and for which he is to be accountable.[1]

Ordered, That a warrant issue on the Treasurer in favour of William Dodd, an express rider, for 200 dollars, to be advanced him; and for which he is to be accountable.

Resolved, That the resolution passed yesterday, repecting the pay of officers of the navy not in actual service, be re-considered.

The Board of War laid before Congress a letter of 8 January, from Governor Livingston, of New Jersey:

Ordered, That it be referred to the Board of Treasury.

Adjourned to 3 o'Clock.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 27.

THREE O'CLOCK, P. M.

A letter, of the 29 December, from General Schuyler, was read, wherein, among other things, he presses for a speedy enquiry into his conduct; Whereupon,

Ordered, That the committee appointed to enquire into the causes of the evacuation of Ticonderoga and Mount Independence, and into the conduct of the general officers in the northern department, proceed immediately on that business, and report to Congress on Monday next.

Resolved, That Mr. [James] Lovell be added to the aforesaid committee, in the room of Mr. [Francis] Dana, who is absent.

A letter, of the 12, from General Washington, and one, of the 17th, from Brigadier General Smallwood, respecting some captures taken in the Delaware, were read:[1]

Ordered, That they be referred to the Marine Committee.

A letter, of the 24 December last, from Samuel A. Otis, deputy cloathier general at Boston, was read:

Ordered, That it be referred to the Board of Treasury.

A petition from sundry inhabitants of the western frontiers was read:

Ordered, That it be referred to the commissioners appointed to repair to the western frontiers:

~~The Board of War reported, that they have conferred with General Gates, and that he has offered such strong reasons for his not going to camp as induce them to report their opinion that he should be excused; and that one or two members of Congress be added to the committee. Whereupon,~~

~~Resolved, That General Gates be excused.~~

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 263; that of Smallwood is in No. 161, folio 139.

The committee who conduct the business of the Board of War until the new commissioners for that Board meet, reported to Congress sundry reasons assigned by General Gates, why the members of the Board of War ought immediately to enter upon the business of their department; Whereupon,

Resolved, That General Gates, General Mifflin, and Colonel Pickering, be excused from attending upon the business recommended to them by the resolution of the 10th, and that General Mifflin, Colonel Pickering, and Colonel Trumbull, be directed immediately to repair to this place.

Resolved, That two more members be added to the committee appointed to repair to the camp, to execute the business prescribed in the resolution of the 10th ||instant:|| the members chosen, Mr. [Charles] Carroll and Mr. G[ouverneur] Morris.

A letter, of the 9th, from Thomas Webb, a prisoner at Bethlehem, directed to Mr. [Daniel] Roberdeau, was laid before Congress, and read:[1]

Ordered, That it be referred to the Board of War.

The Board of War brought in a report:

Ordered, That the same be taken into consideration to morrow.

Ordered, That Mr. [Francis] Lewis have leave of absence for eight days.

Adjourned to 10 o'Clock to Morrow.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 433.

WEDNESDAY, JANUARY 21, 1778

A letter, of the 18, from George Read, Esq[r], president of the state of Delaware, was read:

A letter of the 20th, from W. Buchanan, commissary general of purchases, was read.[1]

Ordered, That it be referred to the Committee of Commerce.

Congress according to the order of the day, resumed the consideration of the resolution passed 19th, respecting the pay of the officers of the navy, and sundry amendments being made, and some agreed to,

On motion, *Resolved*, That the original resolution, with the amendments, be referred to a committee of three:

The members chosen, Mr. G[ouverneur] Morris, Mr. [John] Harvie and Mr. [Abraham] Clark.

Ordered, That the committee sit on this business, and report this afternoon.

Adjourned to 3 o'Clock.

THREE O'CLOCK, P. M.

The committee appointed to devise effectual means to prevent persons disaffected to the interest of the United States from being employed in any of the important offices thereof, brought in a report:

The Committee appointed to devise effectual means to prevent persons disaffected to the interests of the United States from being employed in any of the important Offices thereof, beg leave to report the follow Resolutions:

Resolved, That all Commissioned officers in the Army or Navy of these United States; the Commissioners of the Navy boards; the Quarter Master General, Deputy Quarter Master generals; Commis-

[1] The letter of President Read is in the *Papers of the Continental Congress*, No. 70, folio 643.

saries of forage, forage master; Commissaries of Stores, deputies and assistant quarter masters; the Commissary General and deputy Commissary generals of Purchases and issues, and their Deputies and assistant Commissaries; all Commissaries of other departments; all Officers of the Staff in the Army; the Treasurer, auditor general, Deputy auditor general and all other auditors and Commissioners of accounts; the Post Master, Surveyors and Comptroller general of the Post office, Postmasters and post riders; the Clothier General and his Deputies; the Director General deputy directors and all Surgeons and Physicians of the Hospitals and Army; and all clerks in every public office and Department, who are already appointed, shall within one month after notice hereof, and all such as may hereafter be appointed and accept of their appointments, immediately thereupon, previous to acting therein, severally take and subscribe the following oath (or if one of the people called quakers, Affirmation) (filling up the blank with their name and Office).

I ————, do solemnly swear, or affirm, that I acknowledge the thirteen United States of America, namely, New Hampshire, Massachusetts Bay, Rhode Island and Providence plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolinia, South Carolina, and Georgia to be free Sovereign and Independant States, and that the people thereof owe no Allegiance or obedience to George the 3rd, King of Great Britain, and that neither the said King, nor the Parliament of Great Britain, nor any foreign Prince, Power or Potentate whatsoever, ought to have any power, right, Authority or jurisdiction over the said United States or any of them, or the Subjects thereof. And that I will to the utmost of my power support maintain and defend the said United States against the said King George the third, his heirs and successors, and his and their agents, abettors and assistants, and will faithfully serve the said United States in the office I now hold, and in any other office, which I may hereafter hold by their appointment or under their Authority, according to the best of my Skill and understanding. So help me God.

Which oath or Affirmation the Commander in Chief or any Major General or Brigadier General is authorized and directed to administer to all Officers of the Army, or in any of the above mentioned Departments, whose business require their attendance with the Army. And all officers of the Navy to take the said Oath before the Commissioners of any of the Navy boards where Convenient, or otherwise before any

Judge or Justice of the Peace in the State wherein they respectively reside or shall receive their Commission or warrant. And all commissioners of the Navy boards, Auditors, Commissioners of accounts, Commissaries, Quarter Masters, and all others officers before above mentioned whose business doth not require a steady Attendance with the Army, and who act in a Civil Department, to take the said Oath or affirmation before any Judge or Justice of the Peace of the State wherein they may Respectively reside.

And all persons whatsoever holding or who may hereafter be appointed to hold and exercise any of the above mentioned offices or appointments, or any other future office or appointment, (*excepting officers in the Military line of the Army Commanding Divisions, Brigades or in Battalions or companies and also officers commanding in the Navy*) shall at the time of taking the abovementioned Oath, or affirmation, also take an oath or affirmation of office in the following words.

I ——— ———, do solemnly swear (or affirm) that I will faithfully truly and impartially to the utmost of my skill and understanding, execute the office of ———, to which I am appointed under the United States of America, and render a true Account of all monies by me received or expended on public account and of all stores or other effects with me entrusted which belong to the said United States, and in all respects to the utmost of my ability, discharge the trust reposed in me with strict justice and integrity.

Which several oaths or affirmations being subscribed and attested, the person administering shall deliver the same to the Deponent or affirmant, together with a duplicate thereof in like manner subscribed and attested. And all officers in the Military line shall cause their Oath or affirmation to be delivered to the Commander in Chief or Commander of a separate Department under whom they serve, or such other person as by General orders shall be appointed to receive the same, which the Commander in Chief and Commander of each separate Department shall cause to be sent to the Secretary of Congress, retaining an exact list of all officers so qualified with their Rank and time of Qualifying. All officers in the Navy shall send or deliver their oaths or Qualifications to the Navy board most convenient, who are required to transmit the same, together with their own qualifications to the Marine Committee as soon as conveniently may be. And all other persons above directed to take the said Oaths or affirmations are required upon the taking and subscribing thereof to send or

deliver the same to the Secretary of the State to which they respectively belong, or to such other person or persons as the Governor or President of such State shall direct, who is requested to cause the same when received to be transmitted to the Secretary of Congress. Each Deponent or affirmant to retain and keep the Duplicate of his Qualifications as a voucher of his compliance with the duty hereby enjoined him.

Resolved, That for the greater care and despatch in taking the before mentioned qualifications a Number of the forms thereof be immediately Printed, and sent to the Commander in Chief of the Army, the Commander in each separate Department, and to the Governor or President of each respective State.

Resolved, That if any officer of the Army or Navy or in any of the before mentioned Departments already appointed or who may hereafter be appointed and accepts of his appointment and neglects or refuses to take the before mentioned oath, oaths or affirmations, and to deliver the same in manner required as soon as time and Circumstances will admit, every such officer or person so neglecting or refusing shall be immediately Cashiered and forfeit two months' pay to the use of these United States, and be rendered incapable of serving in the Army, of the said States or of executing thereafter any office under Congress.

And whereas many persons employed as Deputy or assistant Commissaries, Quarter Masters or forage masters are dispersed in various parts of this Continent, over whom neither Congress or the head of their Department can have the immediate inspection, and many falsely call themselves publick officers in some Department,

Resolved Therefore that it be earnestly recommended to the Legislative and Executive Authority of each State to take effectual measures for preventing any person whomsoever within their State from exercising the Office of Commissary, Quarter Master, forage Master, or any other public employment who shall not be able to produce a legal appointment thereto together with a duplicate of the above oath or affirmation to any Magistrate when required, or who shall neglect or refuse to take the aforesaid oaths or affirmations, or who is of a doubtful and suspicious character, respecting either his integrity or Attachment to the interest of these States. And also to apprehend [arrest] confine or suspend every such officer who shall prove guilty of any Malpractices, or embezzle the Public money, or otherwise appear unfit or disqualified for such employment: and to appoint others in the room

of those displaced untill the pleasure of Congress can be known, to whom a particular account thereof is to be immediately forwarded.

Resolved, That every person employed either as Commissary, Quarter Master, forage Master, or in any other Civil Department of the Army shall be subject to trial by Court Martial for neglect of duty, or other offence committed in the execution of their office, and upon conviction shall suffer death, or such other punishment as shall beadjudged by sentence of such Court Martial.

And every person in any civil Department of the Army, or in any other Civil Department under the United States of America not immediately serving in the Army with whom money or any public stores shall be entrusted, receiving salary, fee or reward for his services to the public, and who shall wilfully waste embezzle or misapply such money or stores, shall be deemed guilty of felony, and upon indictment and due proof thereof in a Court of Justice proper for trying such Offences in the State where committed, shall suffer death, or such other punishment as shall be adjudged by such Court.

Provided, no person shall be tried in any Court of Judicature for the same offence, for which he had previous thereto been tried by a Court Martial; or be arrested or called to trial by a Court Martial for any offence not expressly made cognizable before them, or for which the offender may be under arrest, indictment or imprisonment by the civil authority.

Resolved, That every person in the service of these United States shall be answerable for and liable to make good all Damage the United States have sustained or may sustain by his neglect of duty, embezzlement of public money or stores, or any other fraudulent practice; which damage and all debts or accounts due to the United States to be recovered in any Court of Record where the same is cognizable in the State where the Defendant may be found, at the suit of the Treasurer of the United States of America for the time being.

Resolved, That the Executive power of each respective State be, and they are hereby requested and fully empowered to superintend, and cause a strict inquiry to be made into the Conduct of all those in the Commissary's or Quarter Master's Departments, or in any other Civil Department under Congress within their State, and also arrest imprison, displace, or suspend all those in the above mentioned Departments who are under pay, and render no adequate service or shall be guilty of peculation, misapplication of Public money, embezzlement of stores, or live in idleness or extravagance in neglect of their duty,

or who in any respect conduct themselves unworthy of the station they fill; and to appoint others, where such appointments may appear necessary, transmitting to Congress as soon as possible, the names, stations and ranks of all those displaced or suspended, with the offence occasioning the same and the names of those by them appointed.[1]

Ordered, That the same be taken into consideration to morrow.

The committee to whom was referred the resolution of the 19th, respecting the pay of the officers of the navy, and the amendments adopted and proposed, brought in a report, which was read;

Whereas sundry Officers lately belonging to Ships and Vessels of the United States of America, by reason of the Loss of such Ships and Vessels or otherwise are not now in actual Service, and other such Officers and Men are now and hereafter may be in Captivity,

Resolved, That the Navy Boards of the Several Districts do forthwith and thereafter once in every three Months make return to the Marine Committee of the Officers not in Service as aforesaid, and of their past Services or Neglect of Duty; that the Said Committee do from Time to Time dismiss such of the Said Officers as they may think proper, and that the Remainder do receive their Pay, but no Rations or Subsistence Money; and further,

Resolved, That the Officers and Men who are or may be in Captivity be allowed their full Pay and the same Provisions as when on Board the Ships in the Service of the Said States, deducting therefrom all such Provisions as may be issued to them respectively by the Commissary of Prisoners or any other Person on Account of the Said States.[2]

Ordered, That the consideration thereof be postponed till to morrow.

A letter, of the 12, from the commissioners for Indian affairs in the northern department, enclosing a letter from the Rev. E. Wheelock, and intelligence from Colonel

[1] This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 23, folio 33. See under February 3, 1778, *post*.

[2] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 28, folio 187.

Bedell; one, of the same date, from James Duane, Esqr, were read:

Ordered, That they be referred to the Board of War.

A letter of the 12, from Major General Schuyler, and one, of the 6th, from Major General Arnold, were read:[1]

Ordered, That they be referred to the Board of Treasury.

The Board of War reported,

That having conferred with Mr. Elias Boudinot, commissary of prisoners, on the 21 December, and carefully examined the evidences produced by him, they esteem it their duty to state to Congress the following facts, relating to the American prisoners in the power of the enemy:

That as far as can be collected from the testimony of prisoners and inhabitants, who have left the enemy, there are about 900 privates and 300 officers in the city of New York, and about 500 privates and fifty officers in the city of Philadelphia:

That the privates in New York have been crowded all summer in sugar houses, and the officers boarded on Long Island, except about thirty, who have been confined in the provost guard and in the most loathsome gaols:

That since the beginning of October all these prisoners, both officers and privates, have been confined in prison ships or the provost:

That the privates in the city of Philadelphia have been kept in the two public gaols, and the officers in the state house:

That from the best evidence which the nature of the subject will admit of, it appears that the general allowance of provisions at the most, does not exceed four ounces of meat and the same quantity of bread, (often so damaged as not to be eatable) per man per day, and oft-

[1] The letter of the Indian Commissioners is in the *Papers of the Continental Congress*, No. 166, folio 377; that of Schuyler is in No. 153, III, folio 264.

times much less; although the professed allowance is from eight to ten ounces; and that the prisoners have been treated in general (officers not excepted,) with a cruelty scarce to be paralleled, and with the most studied and illiberal insult:

That it has been a common practice with the enemy, on a prisoner being first captured, to keep him three, four, and even five days, without a morsel of provisions of any kind, and then to tempt him to inlist with the new levies, in order to save his life:

That there are numerous instances of prisoners of war perishing in all the agonies of hunger from their severe treatment.

That being generally stripped of what cloaths they have when taken, they have suffered greatly for want thereof during their confinement:

That in the beginning of last summer, bills of exchange to the amount of £600 sterling, purchased of David Franks, British commissary of prisoners, residing within the jurisdiction of these states, were sent into New York for the relief of the prisoners; that every obstacle was thrown in the way to prevent the negotiation of these bills, and after a delay of two months, they were returned to Mr. Boudinot, the American commissary of prisoners:

That the American commissary of prisoners had permission to send in provisions from the Hudson's and Rariton rivers into New York, and to purchase cloathing there for about two months' past; but, on this condition, that the sloop, carrying the provisions, stop at the man of war stationed in the mouth of Hudson's river, where the hands are taken on board of the ship, and the agent for American prisoners in New York is obliged to send hands from thence to take the sloop over to the city and return her again to the man of war, which not only renders it very tedious and

expensive, but prevents getting sloops for the purpose, as very few owners chuse to trust their vessels in the enemy's hands, and to remain prisoners on board of the man of war till the sloop returns:

That provisions, which have been sent into the city of New York for the subsistence of the American prisoners, have been prevented by a public ordinance from being sold at a higher rate than 45*s* per c^{t} [hundred] for flour, although the current price of that article was six pounds per c^{t} [hundred], and it actually sold current at that price betwixt individuals, while the flour belonging to these states was sold at the ordinance price:

That the American prisoners[1] in the power of the enemy have not had any allowance made to them for their subsistance, although the British officers in the power of these states have been allowed, by a resolution of Congress, two dollars a week for their subsistance:

That in consequence of repeated remonstrances from General Washington to General Howe concerning the injurious treatment of prisoners in his power, General Howe, in his letter to General Washington in November last, promised, "that a commissary should be permitted to carry in a supply of cloathing, money and other necessaries for the prisoners in Philadelphia, and to visit the places where they were confined:"

That on a conference which passed betwixt Mr. Ferguson, the British commissary of prisoners, and Mr. Boudinot, the commissary of prisoners for these states, who was ordered by General Washington to visit the prisoners, agreeable to General Howe's promise, Mr. Ferguson said, that he was desired by General Howe to let Mr. Boudinot know, "that there could be no necessity for his coming into the city, as he would see that the

[1] The original report has the word "officers."

prisoners were properly dealt by;" and Mr. Boudinot was not suffered to go in:

That, on this conference, Mr. Ferguson, the British commissary of prisoners, complaining of the inattention paid to the supplying of prisoners in their hands with cloaths, said, "that there was plenty of cloathing in Philadelphia, which we were at liberty to purchase for provisions, and to appoint agents for that purpose; that on Mr. Boudinot's expressing his doubt on this point, Mr. Ferguson shewed great surprize at his unbelief, and assured him repeatedly that full liberty to purchase cloathing would be granted:"

That Mr. Ferguson, in his letter of the 2d December says, "that permission will be given to *send* in cloathing to our prisoners, but that General Howe does not think fit to allow it to be purchased in Philadelphia."

Congress taking into consideration the foregoing facts, and considering, that during the whole time in which the American prisoners have suffered such unparalleled rigour and insult, and every obstacle has been thrown in the way to obstruct their relief, the prisoners taken from the enemy have been plentifully supplied with provisions, either at the expence of these states or by commissaries in the service of the enemy, permitted to reside, and purchase, without controul, within the jurisdiction of these states; that their officers have been admitted, on their parole, in good quarters, and a weekly allowance made them; that few, even of their privates, have been, for any time, confined in gaol; but, on the contrary, that they have been permitted to work abroad, and to receive the full price of their labour; thereupon,

Resolved, That the allowance of two dollars a week to officers, who are prisoners of war to these United States, do cease, unless to those officers who may be entitled

thereto by any contract made on or before their captivity or surrender:[1]

That neither David Franks, nor any other agent or person whatsoever, be permitted to negotiate bills within these United States for the supply of prisoners taken from the enemy, or to purchase provisions, or other necessaries for such purpose, within the jurisdiction of these states, except in the manner herein-after provided:[1]

That every British commissary, or any other persons or agents, employed to supply prisoners taken from the enemy, with provisions, shall make returns of the prisoners under his or their respective care to the purchasing commissary of the district, wherein such prisoners are confined, who shall deliver a sufficient number of rations for their weekly or monthly subsistance, as circumstances shall render necessary, taking duplicate promissory receipts for the same, payable in thirty days after date, one of which receipts shall be forthwith transmitted to the commissary general of purchases, or to the deputy commissary general of the department in which the provisions are supplied:

That the provisions so received shall be paid for in the manner prescribed by the resolution of Congress of the 19 December last; and, in case the same shall be accounted for in gold and silver, the commissary general or deputy commissary of purchases receiving the same, shall remit it, without delay, to the Board of Treasury, in order that the same may be applied as a fund for relieving the distresses of the prisoners in the power of the enemy:

That, in case failure shall be made by any person signing such receipt, in discharging the amount, when it shall become due, no farther provisions shall be issued for the

[1] These paragraphs were not in the original report, but are found as amendments in the *Papers of the Continental Congress*, No. 147, I, folio 541.

maintenance of the prisoners under the care of the person or persons so failing:

That, in return for the permission hereby given to purchase provisions of the American commissaries, for the use of the enemy's prisoners, General Washington be directed to demand of General Howe, liberty to purchase cloathing in such places as may be under his power, for the use of the American prisoners; the cloathing so furnished to be paid for either in gold or silver, or in provision, to be sent in and sold at the market price: and that,

In case General Howe should chuse to order provision and other necessaries to be sent out for the supply of the prisoners in our power, instead of the mode proposed by the former resolutions, he be permitted to send what supplies may, from time to time, be necessary, to such post as the American commissary of prisoners shall direct, which provision when sent out, shall be issued to the prisoners by persons appointed by General Howe for that purpose, provided that permits be granted by General Howe for transporting provisions either by land or water, as shall be most convenient, from the states of New York, New Jersey, Pensylvania, Maryland, and Virginia, for the use of the American prisoners in the cities of New York, and Philadelphia, and in the town of Newport, in Rhode Island; and the provisions so sent in, be issued out by commissaries or by other persons appointed for such purpose, by these states, who shall be permitted to reside at the places where the prisoners are confined:

That, in return for the permission given by the resolution of Congress of the 21 May, 1776, for a commissioned officer from the British army to visit monthly the prisoners in the power of these states, "in order to count their numbers and certify their rolls," General Washington be directed to demand peremptorily of General Howe, a like

permission, or to agree upon any other equal mode, for ascertaining the situation of the American prisoners, which shall be deemed most expedient; and in case of General Howe's refusal to give satisfaction on this point, that General Washington regulate his future conduct by the conduct of General Howe:

That General Washington be directed to require of General Howe the reasons why several officers in the service of these states, and other citizens, now in his power, have been so long confined either in the provost-guard or loathsome gaols, and treated with such unparalleled rigor; and if General Howe shall refuse to make any answer to his requisition, within the space of five days, or give such reasons for the treatment of these unfortunate persons as shall not be justifiable by the laws of nations, General Washington be directed immediately to order a number of the enemy's officers, as nearly equal in rank and condition of life as possible, to the persons so confined without just cause, forthwith to be imprisoned, subsisted, and treated in the same manner as the persons above alluded to are imprisoned, subsisted, and treated; and that he be informed, that it is the expectation, and express order of Congress, that this mode of treatment, in general, be continued, changed, or suspended, as the conduct of the enemy, with respect to the American prisoners, shall, from time to time, render just and necessary,[1] without waiting for any special order from Congress for such purpose:

That the commissary general of prisoners, and his respective deputies, be forthwith directed to call in all the officers and privates belonging to the enemy, and to confine them in such places, and order them to be subsisted and treated in such manner, as shall render their situation

[1] From this point to the end of the report the writing is that of William Duer.

similar in all respects to that of the officers and privates who are prisoners with the enemy; and that they continue this mode of treatment, till such time as a change of conduct, on the part of the enemy, shall induce Congress, or the commander in chief of the armies of these states, to give directions for a different line of conduct on their part:

That it be recommended to the government of the respective states, where prisoners of war are confined, to give every assistance in their power to the commissary general of prisoners or his deputies, by putting them in possession of gaols or other proper buildings, and by furnishing them with guards, in order to enable them to execute the foregoing resolution.

And whereas, General Howe, by his letter to General Washington in November last, affects to make a distinction in the treatment of persons taken in arms, and of the faithful citizens of these states subjected to his power, in a manner not only contrary to reason and the principles of humanity, but inconsistent with the sentiments expressed by General Howe himself, in his letter to General Washington, dated Staten Island, 1 August, 1776:

Resolved, That General Washington be directed to require of General Howe an explanation of those parts of his letter of November, 1777, which imply this distinction, and the line of conduct which he means to observe for the future, with respect to such of the faithful citizens of these states as may be subjected to his power.[1]

Resolved, That a committee of four be appointed to prepare a manifesto on the injurious treatment our prisoners and faithful citizens receive from the enemy: the members chosen, Mr. [John] Witherspoon, Mr. J[onathan]

[1] This report, January 21, is in the *Papers of the Continental Congress*, No. 147, I, folio 445.

B[ayard] Smith, Mr. [James] Lovell, and Mr. G[ouverneur] Morris.

‖ Adjourned to 10 o'Clock to Morrow.‖

THURSDAY, JANUARY 22, 1778

A letter, of the 1st, from B. Harrison, deputy pay master general at Williamsburgh, and one, of the 21, from James Mease, cloathier general, at Lancaster, were read:

Ordered, That they be referred to the Board of Treasury.

A letter of the 19, from Governor Johnson, of Maryland, was read:

Ordered, That it be referred to the Committee of Commerce.

A letter, of the 6th, and one, of the 8, from Major General Heath, at Boston, with copies of letters that passed between him and Lieutenant General Burgoyne, were read.[1]

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Resolved, That a warrant issue on the Treasurer in favour of the Board of War, for two hundred thousand dollars, to be sent to Ebenezer Hancock, Esqr deputy pay master general of the eastern district, who is to be accountable, ~~and that the warrant for this sum and for the 100,000 dollars already ordered to him, be paid and the money forwarded, in preference to all warrants on the Treasury, excepting one drawn in favour of Jonathan Trumbull, Junr, Esqr, for 200,000 dollars.~~[2]

Resolved, That two millions of dollars be emitted, under the direction of the Treasury Board, and on the faith of the United States:

[1] The letter of Johnson is in the *Papers of the Continental Congress*, No. 70, folio 241; those of Heath are in No. 157, folio 65, and in No. 57, folio 113.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 33.

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed the 8th instant, be numbered from the last number of each respective denomination of that emission progressively, and consist of the following denominations, viz.

30,768	bills of the denomination of	3	dollars	92,304
30,768	do	4	do	123,072
30,768	do	5	do	153,840
30,768	do	6	do	184,608
30,768	do	7	do	215,376
30,770	do	2	do	61,540
30,770	do	8	do	246,160
30,770	do	30	do	923,100
				2,000,000

That all powers and duties of Michael Hillegas, Esq[r] and of the inspectors of the press, signers and printers of the emission directed on the 20 May last, shall extend to the said two millions now to be emitted, subject, however, to such directions and instructions as the Board of Treasury may judge expedient.[1]

Ordered, That a warrant issue on the Treasurer, in favour of William Buchanan, Esq[r], commissary general of purchases, for 50,000 dollars, to be transmitted to the western district, for the use of the said commissary general's department; who is to be accountable:

That a warrant issue on the loan officer of Pensylvania, for 100,000 dollars, and one other on the treasurer for 50,000 dollars, in favour of James Mease, Esq[r], cloathier general, to answer the draughts of his deputies in the several states, for cloathing purchased by them, and that he be directed to transmit to the Board of Treasury a list of the draughts which he shall have paid, with the money aforesaid, before he applies for further sums for

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 29.

this purpose; the said James Mease, Esqr, to be accountable for the said draughts.

Resolved, That the cloathier general be directed to pay to Mr. Paul Zantzinger the balance which shall appear to be due to him for 650 suits of cloaths, or for any part thereof, which he has purchased by order of Brigadier General Wayne, upon Mr. Zantzinger's producing sufficient vouchers of the cost of the cloathing, and proper receipts of the delivery thereof.[1]

THREE O'CLOCK, P. M.

Resolved, That the pay master general, or his deputies, be directed to pay the aids-de-camp of the Marquis de la Fayette, according to their rank, as the aids of other major generals are paid.

The Commercial Committee, to whom were referred the letters of Governor Johnson, of Maryland, and Mr. Buchanan, commissary general of purchases, brought in a report, which was taken into consideration; Whereupon,

Resolved, That the commissary general of purchases be directed to purchase, in the state of Maryland and Virginia, upon the most reasonable terms, such a quantity of salt as he may think necessary for the immediate use of the army; and that the president write to the governor of Maryland, thanking him for the pains he has taken on this matter, and requesting him to assist the commissary general in the business aforesaid.

The Board of War brought in a report on the several despatches received from the northern department, which was taken into consideration; Whereupon,

Resolved, That an irruption be made into Canada, and that the Board of War be authorized to take every necessary measure for the execution of the business, under

[1] This report is in the *Papers of the Continental Congress*, No. 136, 11, folio 31.

such general officers as Congress shall appoint, and apply for such sums of money as may be thought by them proper and requisite for the expedition.

Ordered, That the appointment of the general officers ||to conduct the irruption,|| be postponed till to morrow.

A letter, of this day, from W. Palfrey, Esqr pay master general, and one from W. Buchanan, commissary general of purchases, were read.

A petition from Isaac Zane, Joseph Janney, Benjamin Wright, William Jackson, John Parrish, and Joseph Wright, was presented to Congress and read:[1]

Ordered, That it be referred to a committee of three, who are directed to hear the petitioners:

The members chosen, Mr. [William] Ellery, Mr. [John] Henry, and Mr. [Abraham] Clark.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JANUARY 23, 1778

A letter, of the 8, from E. Hancock, ||deputy pay master general,|| with his monthly account; one, of the 5th, from William Whipple, wishing to be excused from attending the enquiry into the cause of the failure of the late intended expedition against Newport.

A petition from Colonels Sheppard, Bailey, Tupper, &c. was read.[2]

Resolved, That the resolution passed yesterday, directing the commissary general to purchase salt in Maryland and Virginia, be re-considered, and that the same, together with the letter from Governor Johnson, be referred to a

[1] The petition is in the *Papers of the Continental Congress*, No. 41, X, folio 732. It is dated January 21.

[2] The letter of Whipple is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 429; the colonels' petition, dated January 10, is in No. 42, VII, folio, 47.

committee of three: the members chosen, Mr. [James] Forbes, Mr. [John] Witherspoon, and Mr. J[onathan] B[ayard] Smith.

THREE O'CLOCK, P. M.

In consequence of an adjustment by the commissioners of claims, the deputy auditor general reports,

That there is due to a detachment of North Carolina continental troops, of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th regiments ||of that state,|| commanded by Colonel John Williams, up to the 1st January, as per particular muster pay rolls, the sum of 3,959 dollars, which is to be advanced to Captain Benjamin Williams, who is to be accountable for the same:[1]

Ordered, That the same be paid.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the commissioner of the continental loan office for the State of New Hampshire, for 50,000 dollars, in favour of the hon'ble the president and council of the said State, which is to be accountable:

Ordered, That a warrant issue on the treasurer, in favour of Robert Hyde Saunders, lieutenant in the Virginia State regiment, commanded by Colonel George Gibson, for 400 dollars advanced for the use of a party of said regiment now on their march to camp; the said Colonel Gibson to be accountable:

Ordered, That a warrant issue on the treasurer, in favour of the Board of War, for 1,000 dollars, for public service; the said Board to be accountable.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 35.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 37.

Congress proceeded to the election of general officers to conduct the irruption into Canada, and, the ballots being taken, major general the Marquis de la Fayette, Major General Conway, and Brigadier General Stark, were elected.[1]

A petition from Lott Hall was read:[2]

Ordered, That it be referred to the Marine Committee.

The committee appointed to consider the proposals contained in a letter to General Washington, from the committee lately sent to the camp, brought in a farther report, which was read and debated; and afterward referred to a committee of three.

The members chosen, Mr. James Smith, Mr. [William] Ellery, and Mr. [Eliphalet] Dyer.[3]

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 24, 1778

The committee to whom the resolution of the 22d, respecting the purchase of salt in Maryland and Virginia, was recommitted, together with Governor Johnson's letter of 19 January, brought in a report, which was taken into consideration: Whereupon,

Resolved, That a letter be written to Governor Johnson, thanking him for the pains he has taken as to the purchase of salt, and accepting the 1,350 bushels mentioned in his letter, to be delivered to the order of the commissary general, who has undertaken to proceed in the pur-

[1] On the back of a Treasury report Thomson has noted the vote: "Fayette, 6; Conway, 6; Stark, 8; McDougall, 1; Glover, 1." It is in the *Papers of the Continental Congress*, No. 136, II, folio 37.

[2] This petition, dated January 23, is in the *Papers of the Continental Congress*, No. 42, III, folio 337.

[3] This report is printed February 6 post. It is endorsed: "Recommitted to Mr. [James] Smith, [William] Ellery and Col. [Eliphalet] Dyer. Ordered to bring in their report on Monday next."

chase of what more is immediately necessary, agreeably to the information given by the governor on that subject.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That it be earnestly recommended to the government of the State of New York, forthwith to call out four hundred militia of that State, under the command of an active and vigilant officer, to serve for the space of four months, under the command of the officer commanding in the northern department; the said militia, when raised, to repair to Albany.

The committee to whom was referred the report under debate yesterday, brought in a report, which was read: ||after debate,||

Resolved, That the same, together with the report referred, be re-committed; and that the committee be directed to bring in another report on Monday next.

The Marine Committee, to whom were referred the letters of General Washington and General Smallwood, respecting the capture of several vessels and goods by detachments of the main army, brought in a report, which was taken into consideration; Whereupon,

Resolved, That the vessels and goods lately captured as aforesaid, ought to be libelled in the court of admiralty in that State where the capture was made; but if no such court should be erected in that State, then the prosecution should be in the court of such State as the captors may find convenient, the judge whereof, on condemnation, will order distribution to be made agreeably to the resolution of Congress; and that six printed copies of the extracts of the journals of Congress relative to the capture and condemnation of prizes, &c. be transmitted to General Washington and General Smallwood.

A letter, of the 22, from Samuel and Robert Purviance, was read:[1]

Ordered, That it be referred to the Board of Treasury.

The Committee on the Treasury brought in a report, which was taken into consideration: When,

Ordered, That a warrant issue on the treasurer, in favour of Colonel William Buchanan, Esqr, commissary general of purchases, for 300,000 dollars, to be advanced for the use of his department; and for which he is to be accountable:

That a warrant issue on the treasurer in favour of Major John Clark, for 27 84/90 dollars, being for his expences attending the Board of Treasury, by their order, and for two pair of shears purchased by him for the use of the auditors at headquarters:

That a warrant issue on Thomas Harwood, Esqr commissioner of the continental loan office for the State of Maryland, for 20,000 dollars, in favour of his Excellency Governor Johnson, for the purpose of recruiting the continental army in that State; the said State of Maryland to be accountable:

That a warrant issue on Joseph Borden, Esqr commissioner of the continental loan office for the State of New Jersey, for 10,000 dollars, in favour of his excellency the governor of the said State, to be paid out of the first money brought into the office, for the purpose of recruiting the continental batallions of the said State; which is to be accountable:

That a warrant issue on the treasurer in favour of Colonel Benjamin Flower, commissary general of military stores, and to be delivered to his deputy Cornelius Sweers,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 161.

for 50,000 dollars, for the use of his department; the said commissary general to be accountable.[1]

It was moved, that Congress sit but once a day:

To this the previous question was moved, and after debate,

The determination thereof was, at the request of a State, postponed.

Adjourned to 10 o'Clock on Monday.

MONDAY, JANUARY 26, 1778

The Committee on the Treasury brought in a report, which was taken into consideration:

Ordered, That a warrant issue on the treasurer in favour of Colonel John Williams, for thirteen thousand dollars, to be advanced him for purchasing 12 waggons, with horses, for the purpose of transporting a quantity of goods, purchased by the cloathier general in the State of North Carolina; the said Colonel Williams to be accountable:

Ordered, That the following warrants issue in favour of Alexander Rose, for the payment of Samuel A. Otis, his five drafts, on James Mease, Esq. cloathier general; one, dated the 19 December, for 24,000 dollars, in favour of John Tracey; one, dated 22 December, in favour of Alexander Rose, for 40,000 dollars; one, dated 22 December, in favour of Alexander Rose, for 10,000 dollars; one, dated 25 December, in favour of Jonathan Jackson, for 23,333 1/3 dollars; and one, in favour of Isaac Sears, for 13,333 1/3 dollars, amounting in the whole to one hundred and ten thousand six hundred and sixty six dollars and two thirds of a dollar, being for the payment of cloathing,

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 39.

purchased in the State of Massachusetts bay, by the said Otis, for the use of the army; the said cloathier general to be accountable, viz.

A warrant on the treasurer for 50,666 2/3 dollars.

One on the commissioner of the continental loan office in the State of South Carolina, for 25,000 dollars; and,

One on the commissioner of the continental loan office in the State of Virginia, for 35,000 dollars.

Ordered, That a warrant issue on the treasurer in favour of Colonel Kermovan, engineer, for 180 dollars advanced him on his pay; for which he is to be accountable.[1]

A letter, of the 24, from Major General Gates, president of the Board of War; one, of the 20 December, from John Langdon, Esq. at Portsmouth, directed to the Marine Committee, with a bill of exchange enclosed; one, of the 15 December last and 10th instant from Jonathan Trumbull, Junr Esqr, deputy pay master general || in the northern department, were read: ||[2]

Ordered, That the two last be referred to the Board of Treasury.

One, of this date, from W. Buchanan, Esqr, commissary general of purchases; one, of the 16, from Governor Trumbull, of Connecticut, by the Chevalier de Gascey; one of the 5th, from Governor N. Cooke, of Rhode Island and Providence Plantations; one, of the 13, from Governor Trumbull, of Connecticut, were read:

Ordered, That the same be referred to the Board of War.

Resolved, That Congress highly approve the conduct of the governor and council of safety of Connecticut, in the appointment of Mr. Champion, and their other measures

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 41.

[2] The letter of Gates is in the *Papers of the Continental Congress*, No. 147, I, folio 453. The warrant for 10,000 dollars, mentioned in the afternoon's proceedings, was the result. The letter of Langdon is in No, 78, XIV, folio 197.

for providing public stores and provisions; and depend upon their constant attention to this important object.

A letter, of 16, from Governor Trumbull, of Connecticut, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of the 24, from Major J. Clark, was read:[1]

Ordered, To lie on the table.

THREE O'CLOCK, P. M.

A letter, of the 25, from Dr. Rush, was read:

One, of the 22, from Col. de la Balme, was read:[2]

Ordered, That it be referred to the Board of War.

Resolved, That Mr. [John] Witherspoon and Mr. [Daniel] Roberdeau be added to the committee on the commissary's department.

Congress took into consideration the letter from Major General Gates, president of the Board of War; Whereupon,

Ordered, That 10,000 dollars be advanced to the Board of War, for contingent expences; the said Board to be accountable.

The committee appointed to enquire into the causes of the evacuation of Ticonderoga and Mount Independence, and into the conduct of the general officers in the northern department, at the time of the evacuation, reported that they were not yet ready to report.

Adjourned || to 10 o'Clock to Morrow.||

[1] Buchanan's letter is in the *Papers of the Continental Congress*, No. 78, II, folio 371; letters of Trumbull are in No. 66, I, folios 359, 365 and 372; that of Cooke is in No. 64, folio 398; that of Clark is in No. 78, V, folio 129.

[2] The letter of La Balme is in the *Papers of the Continental Congress*, No. 78, VII, folio 151; that of Rush is in No. 78, XIX, folio 197.

TUESDAY, JANUARY 27. 1778

On a representation from the committee appointed to enquire into the causes of the evacuation of Ticonderoga, &c.

Resolved, That Mr. James Smith be added to the foregoing committee.

A letter, of the 13, from Col. Radière. at Fish Kill, was read:

Ordered, That it be referred to the Board of War.

A letter, of 31 December last from Egbert Benson, Esqr was read, representing, that, for sundry reasons, he cannot attend the enquiry into the cause of the failure of the late intended expedition against Rhode Island.

A letter from Mons. la Neuville; one, of the 23, from General Washington; one, of the 26, from Major General Conway, in recommendation of Mons. la Neuville, were read:

Ordered, To lie until the committee, sent to the camp, shall return, and make report.

A letter, of the 26, from General Gates, president of the Board of War, was read:

Ordered, That it be referred to the Board of Treasury.

A letter from Dr. Shippen, director general of the hospital, and one from Dr. Brown, ||both directed|| to the Medical Committee, were laid before Congress, ||and read:||[1]

Ordered, That the same, together with the letters some time since received from Dr. Shippen and Dr. Rush, and Governor Livingston, relative to the hospital department, be referred to a committee of five, and that the committee be instructed to confer with Dr. Shippen and Dr. Rush, and report specially:

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 175.

The members chosen, Mr. [John] Witherspoon, Mr. [John] Penn, Mr. [James] Lovell, Mr. [Elbridge] Gerry and Mr. [Daniel] Roberdeau.

THREE O'CLOCK, P. M.[1]

Resolved, That to morrow be assigned for the appointment of a general officer to relieve General Spencer, in his command, at Rhode Island and Providence Plantations.

The Committee on the Treasury report,

That a warrant issue on John Lawrence, Esqr. commissioner of the continental loan office for the State of Connecticut, in favour of his excellency the governor and council of safety of said State, for two hundred thousand dollars to be appropriated by them for the purchase of provisions for the use of the continental army; the said governor and council to be accountable:

That a warrant issue on the treasurer in favour of the Marine Committee, for twelve thousand dollars, in discharge of John Langdon, continental agent at Portsmouth, in New Hampshire, his draught on said committee, dated the 20th December last, in favour of Stephen Hooper, Esqr. for that sum; the said committee to be accountable:

That a warrant issue on the treasurer in favour of William Buchanan, commissary general of purchases, for one hundred thousand dollars, to be transmitted by him to Mr. Colt, for the purpose of purchasing provisions in the eastern district, for the use of the army; the commissary general to be accountable:

That a warrant issue on the treasurer in favour of the delegates of the State of Massachusetts bay, being an advance to, and to be accounted for by the said State, for the sum of two thousand dollars:

[1] The handwriting here changes from Charles Thomson to Jacob Rush, an assistant secretary.

That a warrant issue on the treasurer in favour of the delegates from the State of Connecticut, for five hundred dollars, advanced upon application of the hon'ble Eliphalet Dyer,[1] a delegate of said State; the said State to be accountable;[2] Whereupon,

Ordered, That warrants issue accordingly.

Adjourned to 10 o'Clock to Morrow morning.

WEDNESDAY, JANUARY 28, 1778

A letter of the 28th, from Jacob Rush, requesting to resign his office of deputy secretary.

One, of the 26th, from the council of Pensylvania; and one of the 26th, from Gouverneur Morris, at camp, were read:[3]

Ordered, That the two last be referred to the Board of War.

A letter, of the 23 December from S. A. Otis, directed to J. Mease, ||cloathier general,|| with one enclosed of the 10 December from J. Trumbull, was read:

Ordered, That the same be referred to the Board of Treasury.

A letter, from Henry Hay, of the 12th, with return of cannon found at Ticonderoga inclosed, &c. was read:

Ordered, That it be referred to the Board of War.

One of from E. Allen to was read.

Ordered, That it be referred to the Board of War.

The Committee on the Treasury brought in a report, ||which being read,|| Whereupon, on motion,

Ordered, That it be referred to the committee appointed to take into consideration the state of Georgia.

[1] Here the writing changes from that of Jacob Rush to that of Belcher P. Smith, one of the assistant secretaries.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 43.

[3] The letter of Rush is in the *Papers of the Continental Congress*, No. 78, XIX, folio 201; that of Morris is in No. 78, XV, folio 295.

In pursuance of an adjustment of accounts by the commissioners of claims, the auditor general reports,

That there is due to Captain Benjamin Williams, acting as pay master to the Virginia and North Carolina troops in this town, by the appointment of the Board of Treasury, for the balance of the pay due to a detachment of the 1, 2, 4, 5, 6, 9, 10, 12, 14, 15, and 16 regiments of Virginia troops; for an advance to a drill serjeant, and for his services as pay master from the 1st to the 27 instant the sum of 80 dollars:[1]

Ordered, That the said account be paid.

Resolved, That the resignation of J. Rush be accepted.

Resolved, That the Marquis de La Fayett, or the general officer commanding an expedition into Canada, be furnished with bills of exchange drawn by the President of Congress on the commissioners of the United States in France to the amount of thirty thousand French livres; the said sum to be by him appropriated in such manner, as his own prudence may suggest, and the exigencies of affairs shall render conducive to the public interest.

The committee to whom the petition from Isaac Zane, &c., was referred, and who were directed to confer with the petitioners, reported verbally that they have had a conference with them.

The committee appointed to hear the Petition of Isaac Zane, Joseph Janney, Benjamin Wright, &c., beg leave to report:

That they have heard the Petitioners who have committed their Sentiments to writing in the form of an Address, which, with a Testimony, given forth from a yearly meeting of Friends held at Philadelphia, for Pennsylvania and New Jersey, by Adjournments, from the 29th day of the ninth month to the 4th of the tenth month inclusive, 1777, agreeably to their request, your committee herewith present to Congress.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 45.

[2] This preamble of a report, in the writing of William Ellery, is in the *Popers of the Continental Congress*, No. 53, folio 77. A petition of Zane and others, dated January 27, is on folio 79.

Ordered, That the consideration of this matter be postponed till to morrow.[1]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 29, 1778

A letter, of the 28th, from Brigadier Fermoy, was read:

Ordered, That it be referred to the Board of War.

In pursuance of an adjustment of accounts by the commissioners of claims, the auditor general reports,

That there is due to Brigadier General Thompson, for sundry advances made upon his credit by Mr. Freeman and Mr. Cord, merchants in Quebec, to sundry officers and wounded soldiers, who were made prisoners there, the sum of 2,343 33¾/90 dollars, which sum is to be accounted for as follows, viz.

Colonel Christopher Green, for himself and officers, 1,340 31/60 dollars; Captain now Colonel Daniel Morgan, 421 21/60 dollars; Captain now Colonel John Lamb, 229 12½/60 dollars; Lieutenant now Major Francis Nichols, 64 53/60 dollars; Captain Moses M'Clane, 34 39/60 dollars; army, for advances to wounded soldiers, 252 46/60 dollars; add ½ to the fractions, 11¼ of a dollar; making in the whole, 2,343 33¾/90 dollars:

That there is due to Brigadier General Thompson, for his pay from the 1st of May to the 31st of December, 1777, and for his rations from the 1st March to the 31st July, the sum of 1,164 dollars:[2]

Ordered, That the said account be paid.

The Committee of Treasury brought in a report: Whereupon,

[1] These two paragraphs are in the writing of Charles Thomson.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 47.

Resolved, That a warrant issue on the treasurer in favour of the delegates of the State of New York, for thirteen hundred dollars, advanced upon the application of the Honorable William Duer, a delegate of that State, the said State to be accountable.[1]

A memorial from Lieutenant Colonel Thomas Dyer, was read, representing his early and continued services in the army, and his loss of health, for the recovery of which he had obtained from the general, a furlow for six weeks, and praying, as his furlow is near expiring, and his state of health is such as renders him utterly unable to bear the fatigues of the service, that, for that reason, he may have leave to resign his commission:[2]

Ordered, That it be referred to the Board of War.

Congress resumed the consideration of the petition of Isaac Zane, &c.; Whereupon,

Resolved, That the prisoners now at Winchester in the State of Virginia, who have been apprehended by the government of Pensylvania, in consequence of the resolutions of Congress of 28 August, 1777, be discharged from their confinement on their taking and subscribing either the oath or affirmation of allegiance as prescribed by the laws of Pensylvania, or the following oath or affirmation, at the option of the persons confined, viz.

"I, A. B. do swear, or affirm, that I acknowledge myself a subject of the State of Pensylvania, as a free and independent State, and that I will, in all things, demean myself as a good and faithful subject ought to do."

Ordered, That the President write to the governor of Virginia, and inform him of this resolve.

Congress took into consideration the report of the committee appointed to devise effectual means to prevent

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 49.

[2] This paragraph is in the writing of Charles Thomson. The memorial is in the *Papers of the Continental Congress*, No. 41, II, folio 433.

persons disaffected to the interest of the United States, from being employed in any of the important offices thereof, and after debate,

Ordered, That it be re-committed.

A motion being made for preventing abuses by officers in the civil departments of the army,

Ordered, That it be committed to the foregoing committee.[1]

THREE O'CLOCK, P. M.

A letter, of the 16, from Edenton, from Messrs. Hewes and Smith, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of the 19th, from F. Hopkinson, one of the commissioners of the Navy Board, concerning the conduct of Captain Barry, was read: Whereupon,

It was moved, that it be

Resolved, That Captain Barry be not employed on the expedition assigned to his conduct by the Marine Committee, till further orders of Congress.

It was previously moved to add after the word "conduct," *by the approbation of Congress*, and the question being put, it was resolved in the affirmative.

The question was then put on the motion as amended, and the house being equally divided, it passed in the negative.

Adjourned to 10 o'Clock to Morrow.

[1] These three paragraphs are in the writing of Charles Thomson.

FRIDAY, JANUARY 30, 1778

Thomas M'Kean, a delegate from the Delaware State, attended, and produced the credentials of his appointment, which are as follows:

IN COUNCIL, WEDNESDAY, P. M. *December, 17, 1777.*

Whereas, Cæsar Rodney, Nicholas Vandyke, and Thomas M'Kean, esqrs. have been chosen by joint ballot of the two houses of assembly to represent Delaware state in the Continental Congress: *Resolved*, That they, or any one or more of them, are hereby fully authorized and empowered, for and in behalf of this state, to concert, agree to and execute any measure which they or he, together with a majority of the Continental Congress, shall judge necessary for the defence, security, interest, and welfare of this state in particular, and America in general; with power to adjourn to such times and places as shall appear most conducive to the public safety and advantage.

Extract from the minutes,

BENJAMIN VINING,
Clerk of the Council.

Sent up for concurrence.

IN THE HOUSE OF ASSEMBLY, EODEM DIE.

Read and concurred in,

SAMUEL WEST, *Speaker.*

I do certify, that the foregoing is a true extract from the minutes of the council.

BENJAMIN VINING,
Clerk of the Council.

The Committee of Treasury brought in a report: Whereupon,

Resolved, That a warrant issue on the treasurer in favour of Dr. Jonathan Potts, deputy director general of the hospitals in the northern department, for twenty thousand dollars for the use of his district; the said deputy director general to be accountable.

A letter, of the 30th, from Edward Stevens, desiring leave to resign his commission, was read:[1]

Ordered, That it be referred to the Board of War.

A letter of the 26, from General Washington directed to General Gates, was read:[2]

Ordered, That the same be returned to the Board of War, and that the Board be directed to enquire minutely into the number and rank of the commissioned and non-commissioned officers who have come out of Philadelphia with cloathing for the prisoners taken from the enemy, and into the conduct of all the persons who compose the escort, whilst they have been on the route, and that they report specially to Congress the result of their enquiry.

THREE O'CLOCK, P. M.

A letter, of the 17th, from Brigadier General Hand, with one enclosure, was read:

Resolved, That the consideration of the said letter and its enclosure, be postponed.

A letter, of this day, from Dr. Rush, requesting leave to resign, was read;[3]

Resolved, That his resignation be accepted.

A letter, of this day, from Brigadier Fermoy, and one from Monsieur Kermovan, were read:

Ordered, That they be referred to the Board of War.

An account of Archibald Steel was presented:

Ordered, That it be referred to the Board of Treasury.

The Board of Treasury brought in a report:

Ordered, That it be re-committed.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 183.

[2] The draft of this letter is in the *Washington Papers*, A, III, folio 201. See *Pennsylvania Archives*, VI, 200, 201, 214.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 205.

The Board of War brought in a report, accompanied with sundry papers:

At a Board of War, *Jan*^{y} *28*th *1778*

Present. The President [Gates], Genl. Mifflin, Mr Peters.

The Board taking into consideration the situation of the Quarter Master Gen^{ls} Department, which should immediately be organized, and put in full vigour and motion: beg leave to Report.

That large sums of money are immediately wanted, for the business of this Department; without the speediest supply whereof, as well for the payment of arrears, as for procuring articles wanted for the next Campaign, the Department must irretrievably suffer, and the Army of consequence be reduced to the greatest distress, and retarded in its operations the ensuing season. The want of Cash, the Board cannot help mentioning is not peculiar to this Department, but is a complaint made, by almost all the Officers in the civil Departments in the Army.

[Motion][1] That (either) an Officer of rank, Activity and well acquainted by experience, with the business of the Quarter Master Genl., be immediately appointed to that Office; with power to arrange the Department, with the approbation and concurrence of the Board of War; or the following plan be adopted for carrying this important business into immediate execution, and the necessary Officers appointed agreeable thereto.

1st The *Military Line* to be stiled the Quarter Master General's, which includes the regulating of marches, encampments, order of battle &c. &c, and a long retinue described in all the books of the profession. This Officer to handle no cash, besides his salary; and small occasional sums, to defray petty expences in the Army.

2nd That the Commissary of *Forage* to be confined to that article in his purchases.

3rd The Commissary for Horses and Waggons.

4th The Agent for the purchase of Tents, intrenching Tools, building of Barracks, and for all the smaller supplies of the Department, such as paper &c. The three last to be governed in their purchases by the estimates, and orders of the Quarter Master General or the Board of War.

[1] A word not in the original report.

The Board have sent the estimates furnished by the late Quarter Master General for the inspection and information of Congress.[1]

Resolved, That the consideration thereof be postponed.

On motion, *Ordered*, That the quarter master general immediately prepare and render an account to Congress of all his public expenditures.

The committee to whom was referred the report of the committee appointed to consider of the proposals contained in a letter to General Washington, from a committee lately sent to the camp, brought in a report, ||which was read;|| Whereupon,

Resolved, That it be re-committed, and that Mr. [Thomas] M'Kean be added to the said committee.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 31, 1778[3]

A letter of the 29 from J. Mease, Esq. with one enclosed from S. Caldwell, was read:[4]

Ordered, That it be referred to a committee of three: the members chosen, Mr. F[rancis] L[ightfoot] Lee, Mr. [James] Lovell, and Mr. [William] Duer.

A letter, of the 28, from the committee at the camp, was read, representing the necessity of appointing, without delay, a quarter master general.[5]

Congress resumed the consideration of the report from the Board of War, respecting the quarter master's department; Whereupon, it was moved,

[1] The last paragraph is in the writing of Richard Peters.

This report is in the *Papers of the Continental Congress*, No. 147, I, folio 457. It is endorsed by Charles Thomson, "Postponed. The last plan proposed by the Board, adopted February 5."

[2] From this point the writing is that of Charles Thomson.

[3] This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 301.

[4] This letter is in the *Papers of the Continental Congress*, No. 33, folio 71.

"That an officer of rank, activity, and well acquainted by experience with the business of quarter master general, be immediately appointed to that office, and that he be empowered to arrange the department with the approbation and concurrence of the Board of War:"

To this an amendment was moved to strike out what follows "office" and insert: "immediately to enter upon the execution thereof, under the present regulations, and that the quarter master be directed, in concurrence with the Board of War, to prepare a new arrangement for that department, to be laid before Congress for consideration." After debate,

It was moved, That the consideration of the subject be postponed till Monday:

New Hampshire,		
Mr. Frost,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	no	*
Lovell,		
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Dyer,	ay	ay
New York,		
Mr. Duer,	no	*
New Jersey,		
Mr. Witherspoon.	no	div.
Clark,	ay	
Pensylvania,		
Mr. Roberdeau,	no	div.
Clingan,	ay	
James Smith,	no	
J. B. Smith,	ay	
Delaware,		
Mr. M'Kean,	no	no
Maryland,		
Mr. Henry,	no	*
Virginia,		
Mr. Lee,	no	*
North Carolina,		
Mr. Penn,	no	no
South Carolina,		
Mr. Laurens,	ay	ay
Georgia,		
Mr. Wood,	no	no

So it was resolved in the affirmative.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Resolved, That the resignation of Colonel Stevens be accepted.

Resolved, That the Baron Holzendorf have leave to resign his commission of lieutenant colonel, and have liberty to depart for France:

That Brigadier General de Roche Fermoy have leave to resign his commission in the service of these states, and liberty to depart for France:

That it be referred to the Board of Treasury to consider and report whether any and what compensation shall be made to the two last gentlemen for their losses, and what sums shall be paid them to defray their expences home.

The Board of War brought in another report on Indian affairs, which was read:

At a Board of War *Feby. 1st. 1778*

Present General Gates and Mr Peters.

The Board taking into consideration the letters on Indian affairs, Agreed to Report:

That it is impossible for this Board, to determine the Language which ought, with Propriety, to be held out to the Indians at the intended Treaty at Johnstown, in the State of New York, as the Addresses to them should be adapted to such as are received upon the Occasion from their side, and as Exigencies point out. Soothing them, will certainly produce Contempt, and inspire them with an Idea of our Unimportance. They therefore would humbly suggest, that the Commissioners be instructed to speak to them, in a Tone becoming the Representatives of Free and Independent States, and such as will convince them that we feel that we are so. Every Species of Insult or threat, should be retaliated; but the Commissioners are or will be, the best Judges whether, from the Temper they find among the Indians supposed to be disatfected, it will be right to insist upon their taking an Active Part in our Favor, as, according to their representation, it seems doubbtful against whom they will Act, when they are permitted to embody.

The Expedition now on Foot, will, according to its Success have great Operation upon Indian Affairs; therefore the Board are of Opinion, that at this Time a solid Judgement cannot be formed, concerning future proceedings; and that therefore the Commissioners should be

strengthened as to Number; and invested with discretionary Powers to Speak, or Act, as Occasion may require: and they should be assured that Congress will support them in any Measures they think proper to adopt.

That the Commissioners be informed, how impossible it is to procure Blankets for Covering our Troops, and therefore their Request of 5, or 600 for the Indians, cannot be complied with, unless they can purchase them; which they should be Authorized to do, or wait the Event of the Expedition; unless they can be procured out of the Public Stores to the Eastward; in which case the Commissioners be invested with Power to order the Number required to be sent to Johnstown.

That the Commissioners be Authorized, and directed, to Comply with Mr Wheelock's request, as to the Maintenance and Education of the Indian Children.

That they be acquainted, that the Hard Money in the Chest at Albany, is ordered up to Co'os for the intended Expedition.

The Board beg Leave to Suggest the Necessity of Genl. Schuyler's Presence at the Treaty.[1]

Ordered, That it be referred to a committee of three.

The members chosen, Mr. [Thomas] M'Kean, Mr. [William] Ellery, and Mr. [Abraham] Clark.

The Committee of Commerce laid before Congress an account received from Captain Willing:

Ordered, That it be referred to the Board of Treasury.

Adjourned to 10 o'Clock on Monday.

MONDAY, FEBRUARY 2, 1778

A letter, of the 31 January, from the Board of War, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of this day, from General Gates, was read:[2]

Ordered, That it be referred to a committee of three.

The members chosen, Mr. [Thomas] M'Kean, Mr. [James] Forbes, and Mr. James Smith.

[1] This report, dated February 1, is in the *Papers of the Continental Congress*, No. 147, I, folio 465. See under February 2.

[2] This letter is in the *Papers of the Continental Congress*, No. 154, I, folio 324.

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That General Washington be informed that in compliance with the request of the Marquis de la Fayette, Congress are willing that Major General McDougal should proceed on the intended incursion into Canada, if his state of health will admit of it; but if not, that the Baron de Kalb be directed to follow the Marquis on the said expedition in case General Washington shall judge it proper. That it is not, however, the intention of Congress that the Marquis should be detained till General McDougal's intention can be known, as the success of the expedition depends upon its being executed without loss of time.

That in compliance with the request of the Marquis de la Fayette, commissions be granted to the following French gentlemen, who have produced to the Board of War credentials of their rank and military merit in the French service, and are moreover recommended by the Marquis to be employed under him, agreeable to their respective ranks in the intended incursion into Canada; [the said officers to be appointed to the command only of such Canadians as may be embodied in Canada,][1] viz:

Mons. Jimat, at present aid de camp to the Marquis de la Fayette, to be appointed lieutenant colonel.

Mons de Vrigny to be appointed	Lieut: Colonel
Chev^{r} de Pont Gibaut	Major
Mons de Sigonie	Captain
Monsr de Lomagne	Captain
Baron de Frey	Captain[2]

[1] The words in brackets were added by another hand in the original report.

[2] A letter of Lafayette, dated January 31, 1778, on the Canadian expedition, is in the *Papers of the Continental Congress*, No. 156, folio 5. It was referred to the "old Board of War."

Resolved, That Mons. des Epinies, now a captain in the service of these states, be advanced to the rank of major, in consideration of the services rendered by his uncle, Mons. de Beaumarchais, and of his having served with reputation in the American army.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Jacob Rush, for 125 dollars, for his pay as deputy secretary, from the 7th November to the 28 January, deducting one month that he was absent, at 75 dollars a month.[2]

In consequence of an adjustment by the commissioners of claims, at the treasury, the auditor general reports,

That there is due, on a pay roll of a company of guards stationed at Carlisle for the purpose of guarding stores, &c, commanded by Major James Armstrong Wilson, commencing the 6th day of October, 1777, and ending the 31 January, 1778, inclusive, the sum of 1,149 30/90 dollars:

That there is due to a detachment of continental troops belonging to Brigadier General Wayne's division, stationed at Carlisle, under the command of Major Wilson, for guarding stores, &c. from the 8 December, 1777, to the 31 January, 1778, inclusive, the sum of 135 dollars, both which sums, amounting to 1,284 30/90 dollars, should be paid to Major Wilson:[3]

Ordered, That the said sums be paid accordingly.

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 469. The members present were Gates, Francis Lightfoot Lee, William Duer, and Peters.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 51.

[3] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 53.

THREE O'CLOCK, P. M.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on Joseph Clark, Esq. commissioner of the continental loan office for the State of Rhode Island, for sixty thousand dollars, in favour of James Mease, Esq. cloathier general, to be transmitted by him to Samuel A. Otis, for the payment of cloathing purchased for the use of the army:

That a warrant issue on Nathaniel Appleton, Esq[r] commissioner of the continental loan office for the State of Massachusetts bay, in favour of James Mease, Esq. cloathier general, for one hundred thousand dollars, to be transmitted by him to his deputy, Samuel A. Otis, for the payment of cloathing purchased for the use of the army; for which two sums the cloathier general is to be accountable.

Postponed.

Resolved, That a set of Bills of Exchange be drawn by the President on the Commissioners in France for six hundred Livres Tournois, in favor of Lieutenant Fonquet, one of the officers of the late Mons. Du Coudray's Corps, it being for his gratification, allowed by Mr. Deane in France, and not included in the settlement with Mons. Le Brun on the 13th November last. [1]

Ordered, That the warrant on the treasurer of the 22d January, in favour of the Board of War, for two hundred thousand dollars, to be sent to Ebenezer Hancock, Esq[r] deputy pay master general of the eastern district, be returned by the Board of War to the Treasury Board and cancelled, and that a warrant issue in favour of the said Ebenezer Hancock, on Joseph Clarke, Esq[r] commissioner of the continental loan office in the State of Rhode Island, for one hundred thousand dollars; and a warrant

[1] See under February 4 *post*.

in favour of the Board of War, to be drawn on the treasurer, for one hundred thousand dollars, to be transmitted to the said deputy pay master general, who is to be accountable.

That a warrant issue on the treasurer in favour of the Board of War, for two hundred thousand dollars, to be transmitted by them to Jonathan Trumbull, Junr deputy pay master general for the northern district, which sum the treasurer is directed to have in readiness on Monday next; the said deputy pay master general to be accountable.[1]

A letter from the president of the Board of War, was read:[2]

Ordered, That it be referred to the Board of Treasury.

A letter from Mons. la Neuville, and one from Charles Frederick Bedaulx, were read:

Ordered, That they, together with the letters of Mons. la Neuville, read on Tuesday last, be referred to the Board of War.

A letter, of the 20 January, from Governor Henry, of Virginia, was read.[3]

The committee to whom was referred the letter from the commissioners for Indian affairs in the northern department, together with the papers enclosed, and the opinion of the Board of War thereupon, brought in a report; Whereupon,

Resolved, That the commissioners be instructed to speak to the Indians at the intended treaty at Johnstown, in language becoming the representatives of free, sovereign, and independent states, and in such a tone as will convince them that we feel ourselves to be so; but whether

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 55.

[2] This letter is in the *Papers of the Continental Congress*, No. 147, I, folio 477.

[3] The letter of Bedaulx is in the *Papers of the Continental Congress*, No. 78, II, folio 375; that of Henry is in No. 71, I, folio 131.

it will be prudent to insist upon the Indians taking an active part in behalf of these states, must depend upon the temper they shall appear to be in; that this particular, therefore, be submitted to the discretion of the commissioners.

That an addition of one commissioner be made, and it is expected by Congress that General Schuyler attend this treaty.

That Governor Clinton, of the State of New York, be empowered and requested to appoint a suitable person to be the commissioner for Indian affairs in the northern department, and direct him to attend the treaty above mentioned.

That the commissioners speak and act in such a manner as they shall think most likely to obtain the friendship or at least the neutrality of the Indians, and that the Congress will support the commissioners in any measures they shall conceive best calculated to answer these ends:

That the commissioners be authorized to purchase five or six hundred blankets, or to order that number to be sent to Johnstown, from any of the public stores to the eastward, if to be had there, to be given as presents to the Indians:

That the commissioners be informed, that the hard money in the military chest at Albany, is already appropriated.

A letter, of the 31 January, from General Washington, was read; together with a memorial from Colonel Forman, requesting a company to guard his salt works, on condition of furnishing for the use of the army, at a reasonable price, the salt made at the said works:[1]

[1] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 275. The memorial of Forman is with it.

Ordered, That the consideration thereof be postponed till to morrow.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, FEBRUARY 3, 1778

A letter, of 29 January, from Joseph Simon, at Lancaster, to Mr. [Elijah] Etting, at York town, was laid before Congress, and read:[1]

Ordered, That it be referred to the Board of War.

A letter, of the 24th January, from Colonel Mason, was read:

Ordered, That it be referred to the Board of Treasury.

~~A letter from Colonel Armand was read,[2] wherein he desires, if Congress will not promote him to the rank of Brigadier-General, that he may be permitted to resign the commission he holds, which is for that purpose inclosed: Whereupon~~

Next day he requested to keep his former commission, which was granted.

~~Resolved, That his resignation be accepted.~~

The Committee of Commerce brought in a report; Whereupon,

Resolved, That the Committee of Commerce shall, from time to time, as occasion may require, recommend to Congress proper persons in the respective states to act as attornies in each State for recovering all commercial debts due to the United States of America, and for claiming the continental share of all prizes libelled in the court of admiralty of the State where they may respectively reside; and upon such persons being approved, that the president execute letters of attorney to such persons

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 179.

[2] This letter is in the *Papers of the Continental Congress*, No. 164, folio 380. It is endorsed: "On his request, February 4, his commission restored."

respectively, to be transmitted to them by the Committee of Commerce.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Lieutenant Colonel du Plessis, for 400 dollars advanced him upon application of the Marquis de la Fayette, who is to be accountable.

That a warrant issue on the treasurer in favour of Lieutenant Colonel du Plessis, for 700 dollars, for the pay due to Lieutenant Colonel Gimat, as a major from 1 December, 1776, to January, 1778, inclusive, being 14 months; the said Gimat to be accountable:

That a warrant issue on the treasurer in favour of Robert Patton, for his pay as doorkeeper to Congress, and his extraordinary services and expences from the 12 September, 1777, to the 21 of January last; 260 dollars:

That a warrant issue on the treasurer in favour of the Board of War, for 200,000 dollars, for the purpose of forming a magazine of 30,000 barrels of flour for the use of the grand army, agreeable to the orders of Congress; the said Board to be accountable.

Resolved, That two commissioners of accounts be forthwith appointed for the northern district, in the room of Mr. Carter and Mr. Millegan, the first of whom has resigned, and the latter is appointed a commissioner of claims: That one other be appointed to act with the commissioners of accounts at Hartford, in the room of William Denning, Esq. who has declined that business.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 57. The report added an oath to be taken by the commissioners.

THREE O'CLOCK, P. M.

The Committee of Commerce having recommended Abraham Livingston, Nathaniel Russel and Josiah Smith, Jun. as suitable persons to be appointed attornies for recovering all commercial debts due to the United States of America, and for claiming the continental share of all prizes libelled in the admiralty court in the State of South Carolina, the said Nathaniel Russel and Josiah Smith, or either of them, to act in case of the absence or death of the said Abraham Livingston: Whereupon,

Resolved, That the persons above mentioned be approved, and that the President be directed to execute a letter of attorney to them accordingly.

Congress proceeded to the election of commissioners of accounts, and, the ballots being taken,

Joseph Henderson and Eleazer Wales, Esqrs. were elected commissioners for the northern district, in the room of Mr. Carter and Mr. Millegan; and Moses Emmerson, Esqr. was elected commissioner of accounts at Hartford, in the room of Mr. William Denning.

Congress took into consideration the report of the committee appointed to devise effectual means to prevent persons disaffected to the interest of the United States from being employed in any of the important offices thereof;[1] Whereupon,

Resolved, That every officer who holds or shall hereafter hold a commission or office from Congress, shall take and subscribe the following oath or affirmation:

I, do acknowledge the United States of America to be free, independent and sovereign states, and declare that the people thereof owe no allegiance or obedience, to George the third, king of Great Britain; and I renounce, refuse and abjure any allegiance or obe-

[1] See under January 21, 1778, *ante*.

dience to him: and I do swear (or affirm) that I will, to the utmost of my power, support, maintain and defend the said United States, against the said king George the third and his heirs and successors, and his and their abettors, assistants and adherents, and will serve the said United States in the office of which I now hold, with fidelity, according to the best of my skill and understanding. So help me God.

On this question, the yeas and nays being required,

New Hampshire,		
Mr. Frost,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	ay	*
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Dyer,	ay	ay
New Jersey,		
Mr. Witherspoon,	ay	ay
Clark,	ay	
Pensylvania,		
Mr. Roberdeau,	ay	ay
Clingan,	ay	
J. B. Smith,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Forbes,	no	no
Henry,	no	
Virginia,		
Mr. F. L. Lee,		
North Carolina,		
Mr. Penn,	ay	ay
South Carolina,		
Mr. Laurens,	ay	ay
Georgia,		
Mr. Langworthy,	ay	ay
Wood,	ay	

So it was resolved in the affirmative.

Congress proceeded in the report; Whereupon,

Resolved, That all officers of the army shall take and subscribe the foregoing oath or affirmation before the commander in chief, or any major general or brigadier general:

That all officers of the navy shall take and subscribe the same before one of the commissioners of the navy boards, or before a judge or justice of the peace of the State wherein they respectively reside, or shall receive their commissions or warrants:

That all persons, holding any civil office of trust, or profit, under the Congress of these United States, shall

take and subscribe the said oath, or affirmation, before a judge, or justice of the peace of the State wherein they respectively reside:

That every officer, having the disposal of public money, or who is, or shall be entrusted with the charge or distribution of public stores, shall, at the time of taking and subscribing the foregoing oath, or affirmation, also take an oath, or affirmation of office, in the following words:

I, do swear (or affirm) that I will faithfully, truly and impartially execute the office of to which I am appointed, and render a true account, when thereunto required, of all public monies by me received or expended, and of all stores or other effects to me entrusted, which belong to the United States; and will, in all respects, discharge the trust reposed in me with justice and integrity, to the best of my skill and understanding:

That every officer taking the foregoing oaths, or affirmations, or either of them, shall obtain from the person administering the same duplicate certificates specifying the time of his taking it, or them, and also his name and rank, or employment:

That every military officer shall deliver or transmit one of the certificates so obtained to the commander in chief, or the commander of a department, or to such person as by general orders shall be appointed to receive the same; and the said commanding officers shall cause the certificates, so received, to be sent to the secretary of Congress, and shall keep an exact list of the names of all officers whose certificates shall be received and forwarded, together with their several ranks and the times of their being qualified:

That every officer in the navy shall deliver or send one of the certificates by him obtained to the navy board most convenient, who are required to transmit the same, and also a certificate of their own qualifications, to the Marine Committee, as soon as conveniently may be:

That every other person employed in any civil department or office, as above mentioned, shall send or deliver one of the certificates by him obtained to the secretary of the State to which he belongs, or to such other person or persons as the governor or president of such State shall direct; and the governors or presidents of the several states are hereby requested to attend to this matter, and to cause the certificates, when received, to be transmitted to the secretary of Congress:

That each deponent or affirmant shall retain and keep the other certificate by him obtained, as a voucher of his having complied with what is hereby enjoined him.

Resolved, That every officer, civil or military, now in office, shall take and subscribe the qualification above directed, within twenty days after notice hereof; and every person hereafter appointed to any office by or under the authority of the Congress of the United States of America, shall take and subscribe the same previous to his acting in such office; and every officer who shall continue or presume to exercise any commission, civil or military, under the authority of the Congress of the United States of America, without taking the qualification in time and manner above directed, shall be cashiered, and forfeit two months' pay to the use of the United States of America, and be rendered incapable of serving in the army of the said states, and of executing thereafter any office under Congress.

And whereas many persons employed as deputy or assistant commissaries or quarter masters, or in other civil departments, are dispersed in various parts of the Continent, over whom neither Congress nor the head of their respective departments can have the immediate inspection:

Resolved, That it be recommended to the legislative and executive authority of every State, to take effectual measures for preventing any person within their State from exercising any office in the civil department of the army, or in any other civil department, under Congress, who shall not, when thereunto required by any magistrate, produce a legal appointment to such office, and a certificate of his having taken the foregoing oaths or affirmations, or who shall neglect or refuse to take and subscribe the said oaths or affirmations within the time above limited.

Resolved, That the resolutions passed the 21 day of October, 1776, prescribing the form of an oath or affirmation, and directing the same to be subscribed by officers holding commissions or offices from Congress, be, and they are hereby repealed.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 4, 1778

A report from the Board of War being laid before Congress, the same was taken into consideration: Whereupon,

Resolved, That the first paragraph relative to empowering the Board of War to contract for the casting of brass cannon, &c. be referred to a committee of four: the members chosen, Mr. [Elbridge] Gerry, Mr. [Eliphalet] Dyer, Mr. [James] Lovell, and Mr. [William] Ellery.

It was then moved, That Messrs. Goy, Pierre, Boichard, Parrison, and Niverd, together with ten artillery serjeants, and ten serjeants of artificers, being of the corps

that came over with Mons. Coudray, be retained in the service of the United States: ||Question put,||

New Hampshire,		
Mr. Frost,	no	no
Massachusetts Bay,		
Mr. Gerry,	ay	*
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Dyer,	ay	ay
New Jersey,		
Mr. Witherspoon,	ay	div.
Clark,	no	
Pensylvania,		
Mr. Roberdeau,	ay	ay
Clingan,	ay	
Jas. Smith,	ay	
J. B. Smith,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Forbes,	ay	div.
Henry,	no	
Virginia,		
Mr. F. L. Lee,	ay	*
North Carolina.		
Mr. Penn,	ay	ay
South Carolina,		
Mr. Laurens,	ay	ay
Georgia,		
Mr. Langworthy,	ay	ay
Wood,	ay	

So it was resolved in the affirmative.

Resolved, That Mons. Goy, Mons. Pierre, Mons. Boichard, Mons. Parrison, and Mons. Niverd, be appointed captains of artillery, and receive the common appointments of that command while in America:

That the serjeants be appointed second lieutenants of artillery, with the common appointments of that command while in America.

Resolved, That Captain Isaac Corren receive monthly 25 dollars additional pay, besides his present appointments, in consideration of his teaching the laboratory art to such officers of artillery as shall be sent to him for that purpose.

That 2,000 dollars be advanced to Captain I. Corren, to pay his company of laboratory artillery men, and to recruit the said company to 100 men, agreeable to the directions of General Washington; he to account for the

expenditure to Colonel Benjamin Flower, who is to be charged with the same.[1]

Resolved, That the commissioner at the court of Tuscany be empowered and directed to endeavour to obtain a loan of money, not exceeding one million sterling, at the usual rate of interest, on the faith of the thirteen united states of America, for a term not less than ten years, with permission, if practicable, to repay the same sooner, if it shall be agreeable to these states, giving to the lender twelve months previous notice of such intention to return the money.

Ordered, That the Committee for Foreign Affairs signify to the commissioner at the court of Tuscany, that if the money which he is directed to borrow, cannot be obtained at a less interest than six per centum, he is permitted to engage for that rate; and that he stipulate if possible for the payment of the interest by annexing it to the principal annually during the continuance of the present war, after which the interest shall be paid off yearly as it becomes due.

That the said commissioner be instructed further to consider the money to be borrowed by him as a fund to be applied, unless Congress shall direct otherwise, solely to answer such draughts as Congress may make for the purpose of lessening the sum of paper money in circulation.

That he also be instructed to keep as secret as the nature of the thing will admit, whatever loan he shall be able to obtain on account of these united states; and to give the most early and repeated information to Congress of his progress in the directed application.

Resolved, That Mr. [John] Penn be added to the committee on the state of Georgia.

[1] These paragraphs formed a report from the Board of War, dated February 2, and are in the *Papers of the Continental Congress*, No. 147, I, folio 485. The members present were Gates and Peters.

A letter, of the 28 January, from M. Clarkson, was read, signifying his acceptance of the office of auditor, to which the Congress had been pleased to appoint him; also,

A letter, of the 20th January from General Sullivan; a letter, of the 12 January from A. Cary, speaker of the senate, and G. Wythe, speaker of the house of delegates, of Virginia, and one, of the 29, from the committee of Congress at the camp, were read.[1]

The Committee on the Treasury brought in a report: Whereupon,

Ordered, That a warrant issue on the commissioner of the continental loan office for the State of North Carolina, for 20,000 dollars, in favour of the Commercial Committee, to be by them transmitted to Messrs. Hewes and Smith, for public service; the said Committee to be accountable.

Ordered, That a warrant issue on Nathaniel Appleton, Esqr commissioner of the continental loan office in the State of Massachusetts bay, for 3,000 dollars, in favour of the Commercial Committee, to be by them transmitted to James Warren, Esqr for public service; the said Committee to be accountable.

Ordered, That a warrant issue on the treasurer in favour of William Buchanan, Esqr commissary general, for 312,000 dollars, of which 200,000 dollars to be transmitted to William Aylett, Esqr deputy commissary general of purchases for the southern district, and the residue, viz. 112,000 dollars, for the use of the middle department; for which the said commissary general is to be accountable.

Ordered, That a set of bills of exchange be drawn by the President on the commissioners in France, for six

[1] The letter of Clarkson is in the *Papers of the Continental Congress*, No. 78, V, folio 133; that of Sullivan is in No. 160, folio 93; that of Wythe is in No. 78, XXIII, folio 437; that of the committee to camp is in No. 33, folio 75.

hundred livres tournois, in favour of Lieutenant Fouquet, one of the officers of the late Mons. du Coudray's corps, it being for his gratification allowed by Mr. Deane, and not included in the settlement with Mr. le Brun, on the 13 of November last; and that the two sets of bills, drawn on the commissioners aforesaid, bearing date the 14 day of November last, one in favour of Captain Fouquet, for 573 livres, and the other, in favour of Lieutenant Fouquet, for 287 livres tournois, be delivered them, and be in full of their pay to the said 14 November last.[1]

Adjourned to 10 o'Clock to Morrow.

THURSDAY, FEBRUARY 5, 1778

Resolved, That the Committee on Foreign Applications be directed to examine into the circumstances of the French officers who have been detained in this town, under a promise of having their expences borne until employed, or until they can have a positive answer that they cannot be taken into the service, and that the Committee report what sums should be paid to them.

Ordered, That the Board of Treasury take into consideration the services of Charles Thomson, Esqr in executing the office of secretary of Congress since the 10th day

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 59.

On the back of the Treasury report (No. 136, II, folio 55), Charles Thomson has noted:

"I have examined the journals, and see no reason why the bills reported on the 13 November last, as due to the two Fouquets for the ballance of pay should not be paid; especially as Mr. Lovel reported that when they entered into the new contract with the board of war, they mentioned that they expected to have those bills to send home to their family; and as it appears that the younger Fouquet received no gratification before he left France and that it was omitted by mistake upon the settlement with le Brun, *that* also should be paid, viz. 600 livres.

"But the 900 livres allowed for their passage and the 100 dollars allowed to carry each of them to the port of embarkation should be stopped, as they have entered into the service of the states."

of May, 1776, the time he was last paid up to, and report an adequate allowance.

A letter, of the 3d, from the council of Pensylvania, to the delegates from that State, in Congress, was laid before Congress, and read.[1]

The committee, to whom was referred the proposal of the Board of War, respecting founderies, brought in a report; Whereupon,

Resolved, That the Board of War and Ordnance be directed to lay before Congress an estimate of the expence of erecting and carrying on a foundery for brass ordnance, the number of persons necessary to conduct the business, and the proper salaries for each.[2]

Ordered to be expunged, February 6, 1778.

~~A recommendation from General Gates in favour of the Chev^r de Failly: that on account of his "having distinguished himself in the army of the United States during the last campaign in the northern department, by his zeal, conduct and bravery in several detachments, and frequently reconnoitering the enemy's advanced posts, as likewise by his intrepidity in two general actions, he may be promoted from the rank of lieutenant colonel, which he first obtained on entering the service to that of colonel in the army of the United States" was read. Whereupon, it was moved~~

~~That a colonel be now appointed: To this the previous question was moved, whether that question be now put,~~

~~Passed in the negative.~~

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant be drawn on the treasurer in favour of Mr. Anthony Butler, agent to Quarter Master

[1] This letter is in the *Papers of the Continental Congress*, No. 69, 1, folio 463.

[2] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 27, folio 75.

General Mifflin, for 12,000 dollars, for the use of three brigades of waggons about to be despatched to North Carolina for cloathing; for which the said quarter master general is to be accountable.

Ordered, That there be advanced to Colonel Donald Campbell, five hundred and thirty three dollars and one third of a dollar, for which he is to account, and that a warrant issue on the treasurer for the said sum.

Resolved, That the pay of the commissioners of accounts in the several departments be augmented to five dollars a day.[1]

Resolved, That the captain or commanding officer of each company in the service of the United States, shall, at the end of every month, furnish the regimental pay master with a pay roll, containing the names of the commissioned and non-commissioned officers and privates of the company, their rank, the time from and to which they are to be paid, their monthly pay, the sums due to each, and a column for casualties, in which is to be inserted the dates of deaths, desertions, discharges, and captivities: and the several regimental pay masters shall respectively keep true copies of such pay rolls, and cause the amount thereof to be added to the proper abstracts of field and staff officers, that the whole may be examined, as heretofore ordered by Congress.[2]

Resolved, That the treasurer be directed to send to William Palfrey, Esqr the money ordered on the 14 January last, under such escort as the Board of War shall furnish, the commanding officer of the escort to give his receipt for the same to the treasurer, which receipt shall be cancelled, by lodging with the treasurer, in lieu thereof, the receipt of the pay master general.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 63.

[2] This paragraph, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 136, II, folio 61.

The committee appointed on the 27 August, 1777, to collect evidence of the state of the army in the northern department, and also the state of the troops, military stores and provisions at the posts of Tyconderoga and Mount Independence, before, and at the time when the evacuation was determined upon, report,

That they have made the fullest enquiry in their power into the several articles enumerated in the resolve of Congress of the date above mentioned, and have collected a variety of evidence, which they are ready to transmit to General Washington; Whereupon,

Resolved, That the committee be directed to transmit the evidence by them collected to General Washington, and that he be authorized and directed to appoint a court martial for the trial of the general officers who were in the northern department when Ticonderoga and Mount Independence were evacuated, agreeable to the rules and articles of war:[1]

That two counsellors, learned in the law, be appointed to assist and co-operate with the judge advocate in conducting the trial.

The gentlemen chosen:

Jonathan D. Sergeant, Esqr attorney general for the State of Pensylvania;

William Patterson, Esqr attorney general for the State of New Jersey.

Resolved, That the commander in chief be directed to transmit to Congress, the proceedings of all general courts martial held on the trial of general officers.

Congress took into consideration the letter of the 3, from the council of Pensylvania to their delegates in Congress: Whereupon,

[1] This report, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 29, folio 26. What follows is in the writing of Charles Thomson.

Resolved, That a committee of three be appointed to take into consideration the said letter; that the Board of War be directed to lay before the said committee the whole of their proceedings in consequence of the resolutions of Congress of the 15 January last, for the laying up magazines of flour for the use of the army; and that the said committee report, as soon as may be, what measures should be taken for that purpose:

The members chosen, Mr. [Thomas] M'Kean, Mr. [John] Henry, and Mr. [William] Ellery.

A letter, of the 3, from General Washington, was read.[1]

Congress took into consideration the report of the Board of War of the 28 January: Whereupon,

Resolved, That the following plan be adopted for carrying into immediate execution the important business of the quarter master general:

1. The military line, to be styled the quarter master general's, which is to include the regulating of marches, encampments, order of battle, &c. &c. as described in the books of the profession:

This officer not to have the disposal of public money, except small occasional sums for defraying petty expences in the army.

2. The commissary of forage, who is to be confined to that article in his purchases.

3. The commissary for horses and waggons.

4. The agent for the purchase of tents, entrenching tools, building of barracks, and for all the smaller supplies of the department.

The three last to be governed in their purchases by the estimates and orders of the quarter master general or the Board of War.

[1] This letter is in the *Papers of the Continental Congress*, No. 152, V. folio 283.

Ordered, That the Board of War prepare suitable regulations for the quarter master general's department, agreeable to the foregoing plan.

The Board of War having returned the memorial of Lieutenant Colonel Dyer, with their opinion, Congress took the same into consideration; Whereupon,

Resolved, That General Washington be directed to extend Lieutenant Colonel Dyer's furlow to the first of April; and if, at that time, he shall not have recovered his health, so as to be able to take the field, that his resignation be accepted.[1]

A letter, of the 13 January, from Major General Heath, at Boston, with sundry papers enclosed, was read:[2]

Ordered, That it be referred to the Board of War.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, FEBRUARY 6, 1778

Resolved, That a committee of three be appointed as a committee of intelligence, with power to extract and publish such parts of letters, papers and intelligence referred to them as they shall judge proper:

The members chosen, Mr. J[onathan] B[ayard] Smith, Mr. [James] Lovell, and Mr. [John] Henry.

~~A letter from Lieutenant Colonel Fleury was read; Whereupon,~~

~~Resolved, That Lieutenant Colonel Fleury be informed the Congress look upon the late service in which he has been lately employed by General Washington, as of the utmost importance, and that they desire he may return to~~

Ordered to be struck out the same day.

[1] See note under February 11, p. —, *post*.

[2] This letter is in the *Papers of the Continental Congress*, No. 57, folio 135.

~~the camp and prosecute that design in which, if he succeed, it will be considered as a most essential service.~~

The Committee on the Treasury brought in a report: Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the delegates of the State of Delaware, for 10,000 dollars, to be transmitted to the honorable George Read, Esq[r] vice-president of the said State, for the purpose of recruiting the Delaware batallion; the said State to be accountable.

Ordered, That a warrant issue on the treasurer for 100,000 dollars, in favour of William Palfrey, pay master general, to be transmitted him by the treasurer, for the use of the army, and that the treasurer take a receipt for the money from the officer who is to convey the same, and the officer to return a receipt from the pay master general, to be lodged with the treasurer; the pay master general to be accountable.[1]

Congress took into consideration the report of the committee to whom the letters from Dr. Shippen, Dr. Rush, and others were committed; and thereupon came to the following resolutions:

For the better regulating the hospitals of the United States,

Resolved, That there be a deputy director general for the hospitals between Hudson and Potomack rivers; and that the superintending care of the director general be extended equally over the hospitals in every district, and that he be excused from the duty of providing supplies, ~~and from "particularly" superintending the said hospitals~~ when the deputy director general shall be ready to enter upon the office:

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 65.

That the several officers of the hospitals shall cease to exercise such of their former powers as are herein assigned to other officers thereof:

That in the absence of the director general from any district, the physician general and surgeon general shall hereafter determine the number of hospitals to be provided by the deputy director general for the sick and wounded, and shall superintend and controul the affairs of such hospitals:

That the director general shall consult with the physician general and surgeon general in each district, about the supplies necessary for the hospitals, and shall give orders in writing to the deputy director general thereof to provide the same; and, in the absence of the director general, the physician general and surgeon general shall issue such orders:

That each deputy director general shall appoint one or more of the assistant deputy directors, under him, to the sole business of providing beds, furniture, utensils, hospital cloathing, and such like articles; and shall appoint one or more to provide medicines, instruments, dressings, herbs, and necessaries of a similar kind:

That the director general shall frequently visit the hospitals in each district, and see that the regulations are carried into effect; shall examine into the number and qualifications of the hospital officers, report to Congress any abuses that may have taken place, and discharge the supernumerary officers, if there be any, that all unnecessary expence may be saved to the public; and when the director general is in any particular district, the physician general and surgeon general in that district shall not appoint any officers without his consent:

That, on the settlement of hospital accounts, the officers entrusted with public money shall produce vouchers to

prove the expenditure, and receipts from the proper officers of the hospitals, specifying the delivery of the stores and other articles purchased; and the apothecaries, mates, stewards, matrons, and other officers, receiving such stores and other articles, shall be accountable for the same, and shall produce vouchers for the delivery thereof from such officers, and according to such forms as the physicians general and surgeons general have directed, or shall, from time to time, direct; which forms and directions the physicians and surgeons general shall report to the Board of Treasury:

That the director general, or, in his absence from the district, the physician general, and surgeon general, shall appoint a ward master for each hospital, to receive the arms, accoutrements and cloathing of each soldier admitted therein, keeping entries of, and giving receipts for such articles, which, on the recovery of the soldier, shall be returned to him, or, in case of his death, the arms and accoutrements shall be delivered to the commissary or deputy commissary of military stores, and receipts be taken for the same; and the ward master shall receive and be accountable for the hospital cloathing; and perform such other services as the physician general or the surgeon general shall direct:

That the physicians general and surgeons general shall hereafter make no returns to the deputy directors general, but the returns shall be made by the said officers respectively to the director general, who shall carefully transmit copies of each with his monthly return to Congress, and suspend such of the officers aforesaid as neglect this or any other part of their duty, and shall report their names to Congress:

That the director and deputy directors general forthwith prepare their accounts, and adjust them with the commissioners of claims, at the Board of Treasury.

That four dollars a day, and the former allowance of rations, be hereafter allowed to each assistant deputy director and the commissary of the hospitals in each district; and one dollar a day, and two rations, to each ward master:

Resolved, That Dr. Potts be called from the northern district, and appointed to act as deputy director general in the middle district.

Resolved, That the eldest assistant deputy director in the northern district shall execute the office of the deputy director general in the said district, until the further orders of Congress:

That the salaries of the hospital officers and debts contracted for the hospitals of the middle district to the time of Dr. Potts's entering upon the office of deputy director general therein, shall be adjusted and paid by the director general, who shall deliver all the public stores in his possession to the deputy director general or his order, taking duplicate receipts for the same, and transmitting one of each to the Board of Treasury; and the same rule shall be observed by Dr. Potts with respect to the salaries and debts of the hospitals of the northern district, and the public stores thereof, which are to be delivered to his successor in office in that district.

Congress proceeded to the election of a physician general in the middle district, in the room of Dr. Rush, ~~resigned,~~ and the ballots being taken,

Dr. William Brown was elected.

The committee to whom was referred the report of the committee appointed to consider the proposals contained in a letter to General Washington from the committee

sent to camp, brought in a report; Whereupon, Congress came to the following resolutions:

Whereas, it has been found by experience, that the mode adopted by a resolution of Congress of the 29 April, 1777, for calling to account such officers as have been intrusted with public money, for recruiting continental batallions, has not had the desired effect; and it is essential to the liberties of the United States that due attention should be paid to the expenditure of their public monies, to enable them to support the war, and avoid that system of corruption and tyranny which prevails in the government of their unnatural enemies:

Resolved, That the resolution aforesaid, excepting that part thereof that empowers the commissioners of claims and accounts to administer oaths and affirmations, be repealed.

That a suitable number of auditors of accounts be appointed by Congress [for the armies of the United States:][1]

That it shall be the duty of each auditor to reside in the army to which he is appointed, and not to be absent without the leave of the commanding officer; to call to account ~~the several Regimental Paymasters and recruiting officers thereof~~ [all regimental officers] for public money, which they shall have received and have not accounted for; to receive, from time to time, the pay rolls and abstracts of the army from the pay master or deputy pay master general, who shall previously examine and certify thereon the sums that are due; to settle all other accounts of the army, excepting those in the departments of the quarter master, pay master, director, cloathier, or barrack master general, and of the commissaries general of provisions, prisoners and military stores; to certify the sums

[1] The words in brackets are in the writing of Henry Laurens.

that may appear to be due on any accounts, and to present such accounts and abstracts to the commanding officer, who shall thereupon, unless he has good reason to the contrary, issue proper warrants on the pay master or deputy pay master general in discharge thereof:

That it be recommended to the legislatures of the respective states, forthwith to transmit to the Board of Treasury, duplicate accounts of all monies heretofore advanced by them for the United States, to regimental pay masters, or other officers of the army: that the Board of Treasury be directed to order a record to be kept of such accounts, charging the proper officers therewith; and that each State sustain the loss which may arise from the detention of its accounts aforesaid, after the first day of July next:

That the auditor general, commissioners of accounts, pay master and deputy pay masters general, and such other continental officers as may have monies charged in their offices to persons who are to account with the respective auditors, be directed to send, on or before the first day of May next, and afterwards quarterly, to the respective auditors of the army, duplicate accounts of such charges, and to furnish them with the necessary papers and information, when required, for executing their office: and the said auditors are severally directed to observe the same rule with respect to each other, and also once a quarter to transmit, to each of the officers aforesaid, duplicate lists of the regiments, whose accounts they are to audit, and to the Board of Treasury, a list of accounts received from the several officers aforesaid, together with the names of such of the said officers as shall have neglected to comply with this resolve,[1] [in order that the Board may have the

[1] The original report here read: "Who shall be summoned to appear before the Board, and being convicted thereof, shall be accountable for the Losses arising from their neglect and be liable to Dismission from the Service."

proper informations, to the end that such speedy and effectual measures may be taken therein as may be just and necessary:][1]

That the auditors shall keep fair and regular books constantly posted, and shall charge therein all accounts referred to them for settlement by the preceding article, and all warrants drawn in favour of persons who are accountable to them for the same: they shall also keep a fair record of all accounts disallowed by them, and of such as are allowed, but not stated in the said books, in order to which, and that the pay rolls, abstracts and accounts settled by the auditors may be filed in their respective offices, no warrant whatever shall be paid by the pay master or deputy pay master general, until the respective auditor shall have certified thereon that it has passed his inspection, and that the accounts and vouchers thereto belonging are lodged in his office:

That each recruiting officer shall produce certificates from the muster master or deputy muster master general, specifying the number of non-commissioned officers and soldiers, and if officers of the light horse, the number of horses, arms and equipage belonging to their respective regiments, companies or troops, together with such vouchers as shall be necessary to prove the sums expended for these articles, the subsistance of the troops before their joining the army, the loss of money by death, desertions of non-commissioned officers or soldiers before muster, or other necessary expences, [agreeable to the resolves of Congress in such case provided:][2]

That if any officer shall not, within one month after application for that purpose, render his account to the proper auditor, or shall be guilty of withholding or embez-

[1] These words are in the writing of William Ellery.

[2] An amendment in writing of William Ellery.

zling the public money, such auditor shall make report thereof to the commanding officer of the army, who shall order a court martial on such officer,[1] [in order that he may be dealt with according to the rules and articles of war in that case provided:][2]

9. That the respective Auditors be authorized and directed to employ a discreet and capable person as an Agent, to go into the several States and call to Account such officer and other persons resident therein, as are accountable to them for public Money. And if any such officer or person shall refuse or neglect to adjust his accounts, or shall withhold or embezzle the public Money, such Agent shall forthwith deliver his account to the Attorney General of the State, to be proceeded with as aforesaid.[3]

That each regimental pay master or other officer of the army shall, upon settlement of his account, refund all sums of money, which he has drawn for, but not paid to prisoners, deserters, and men who have died in the service; and the auditor shall keep an alphabetical record of the names of such prisoners, deserters and dead men, together with the sums received on account of each; and upon application of any prisoner or his agent, or the widow, administrator or executor of any such dead man, or of any officer in the same regiment, in whose debt such deceased person may have died, and whose account is properly attested, the said auditor is empowered to report to the commanding officer an allowance not exceeding the sums received on account of such prisoner or dead man; and the commissary and deputy commis-

[1] The original report here read: "And the Fact being ascertained by their Judgment, shall immediately cause him to be cashiered, and a Copy of the Report delivered to the Auditor to be by him published and transmitted, with the proper papers to the Attorney General of the State to which the delinquent belongs; and the said Attorney General is hereby fully Authorized in behalf of the United States to take effectual Measures for compelling such delinquents to account in a Court of Justice."

[2] Words in brackets were added by Henry Laurens.

[3] Against these paragraphs is written: "Postponed 6th."

sary general of prisoners are directed to make out a list of the said officers and soldiers who are prisoners with the enemy, when required by the respective auditors:

That whenever it shall appear to any of the said auditors, upon the settlement of an account in their office, that a balance is due to the United States, or to prisoners, deserters, or on account of men who have died in the service, the sum being ascertained shall be paid by the person who owes it to the pay master or deputy pay master general, who shall give a receipt for the same on the said account, and two other receipts of the same tenor and date, to be lodged with the auditor; and upon the delivery thereof, such auditor shall discharge the said account, and recording the receipts, shall transmit one of them to the Board of Treasury, that the money may be charged to the officer receiving it:

Postponed 6th

That all public debts received by the Attorneys General agents, employed by the respective auditors, be collected by them, and delivered with any other public money which they may receive, to the pay master or deputy pay master General; and that the said Auditors be directed once a quarter to transmit to the Board of Treasury, an account of such Debts and Money, with the Vouchers, to prove the delivery thereof.

That the auditors be empowered to administer oaths or affirmations to persons examined by them in the execution of their office:

That all officers of the United States be, and they are hereby required to give protection and countenance to the auditors[1] aforesaid in the discharge of their duty:

That the quarter master general and his deputies be respectively directed to provide the auditors in each army with a convenient house near head quarters, and that no other officers be quartered therein:

[1] The words "and their agents" were here interlined, and afterwards struck out.

That, for the preservation of the public papers, the quarter master general or his deputies shall provide for the auditors in each army a good covered waggon, with horses under their direction, and the said auditors shall also be provided with suitable guards for the same purpose:

That each auditor be allowed ~~five~~ four dollars and three rations a day, during the continuance of his office, and forage for his horse:

That Matthew Clarkson and Major John Clark Esq^rs be appointed auditors for the army under the command of General Washington; and that they be authorized to appoint two clerks, and allow them 50 dollars a month and two rations a day.

~~That each Auditor shall take an Oath of Office and the Oath prescribed for Officers of the Army by a Resolution of Congress of the Day of previous to their entering on their office, Certificates of which to be sent to the Treasury Office.~~

~~That in adjusting the accounts of Persons that on the Retreat of the Army have lost their Vouchers, it be a private Instruction to the Auditor to obtain the best information from the General Officers or other persons in the Army or department, relative to such accounts and use a Discretionary Power in administering Oaths or affirmations as aforesaid.~~[1]

Resolved, That the remainder of the report be postponed.

Adjourned to 10 o'Clock to Morrow.

SATURDAY. FEBRUARY 7, 1778

It being represented to Congress that Lieutenant Colonel Fleury, whom the Marquis de Fayette is desirous of taking with him to Canada, is not able to proceed on the

[1] This report is in the *Papers of the Continental Congress*, No. 19, VI, folio 225. On folio 221 are amendments in the writing of James Smith, and on folio 223 are the same amendments, in the writing of Smith, with others, in the writing of Thomas McKean.

journey for want of a horse, having lost three horses in different actions during the course [of the] last campaign;

Ordered, That a warrant issue on the treasurer in favour of Lieutenant Colonel Fleury for two hundred dollars.[1]

The committee appointed to examine into the circumstances of the French officers who have been detained under a promise of having their expences borne until employed, or until they can have a positive answer that they cannot be taken into the service, report, "That Baron Frey has incurred an expense of 346 2/3 dollars, and Mr. Crenis of 416 dollars in consequence of such promise, and ought to be paid those sums severally by a warrant upon the continental treasurer."

Ordered, That the said sums be paid.

Resolved, That the committee at the camp be directed to consult with General Washington and report to Congress proper persons for filling the offices in the several departments of the quarter master general.

A letter, of the 29 January, from Colonel David Mason, and a letter of the 27th January, from Governor Henry|| of Virginia|| to the delegates of that State, were laid before Congress,|| and read:||

Ordered, That the former be referred to the Board of Treasury, and the latter to the Board of War.

Adjourned to 10 o'Clock on Monday.

MONDAY, FEBRUARY 9, 1778

Mr. Nathaniel Scudder, a delegate from New Jersey, attended, and took his seat in Congress.

A letter, of this day, from Mons. John de Kermovan, colonel, was read, desiring to be promoted to the rank of

[1] See under February 11, 1778, *post*.

brigadier, and intimating his desire to quit the service, if his request is not granted; Whereupon,

Resolved, That Congress do not think it consistent with the good of the service to promote Colonel Kermovan to the rank of brigadier, and that the Committee on Foreign Applications inform Colonel Kermovan that Congress have no farther occasion for his service.

A letter, of the 11 January, from Major General Arnold, at Albany, with sundry papers enclosed, was read:

Ordered, That the same be referred to the Board of War.

A letter, of the 15 January, from H. Marchant, at South Kingston, State of Rhode Island, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of the 26 January, from Governor Livingston, of New Jersey, at Morristown, was read.[1]

The Committee of Commerce laid before Congress sundry letters, which were read and returned to the Committee; Whereupon,

Resolved, That the Committee of Commerce be empowered and directed to write to the commissioners at the court of France, desiring them to appoint one or more suitable persons to be commercial agents for conducting the commercial business of the United States in France and other parts of Europe.

Resolved, That it be recommended to the supreme executive powers of every State, to give attention to the conduct and behaviour of all continental officers, civil or military, in the execution of their respective offices; that the said executive powers be authorized to suspend from pay and employment, for misbehaviour or neglect of duty,

[1] The letter of Kermovan is in the *Papers of the Continental Congress*, No. 78, XIII, folio 455; that of Arnold is in No. 162, folio 110; that of Marchant is in No. 78, XV, folio 291; and that of Livingston, in No. 68, folio 325.

within their respective states, any officer of the staff or other civil officer aforesaid, not immediately appointed by Congress, and to make a temporary appointment in his place, if necessary, and to remove such of the said civil officers as shall appear to be supernumerary, forthwith reporting in either case their proceedings to Congress: that in case of any reprehensible conduct in any other officer of the United States, it be recommended to the executive powers aforesaid, to enquire into the circumstances of the case, and if, in a civil officer appointed by Congress, to transmit an account thereof to Congress; if in a military officer, to lay the same as soon as possible before the Commander in Chief or commanding officer of the department.

Resolved, That it be recommended to the legislatures of the several states, to enact laws for the most speedy and effectual recovery of debts due to the United States of America.[1]

[1] In the *Papers of the Continental Congress*, No. 19, VI, folio 231, is the following, in the writing of Abraham Clark; the second paragraph was a substitute for the first:

"That it be recommended to the Legislatures of each State to Enact Laws (where Laws already passed are insufficient) for recovering Debts due to the United States of America from delinquents residing within their State, by Action of Debt, or on the Case at the Suit of the Treasurer of the United States."

"That it be recommended to the Legislatures of each State to Enact Laws for the most speedy and effectual recovery of Debts due to the United States of America from Delinquents residing in their State, either by Legal Summary process or in a Summary way as may be most consistent with the Constitution and Approved Customs, in Actions to be brought at the Suit of the Treasurer of the United States of America for the Time being."

On folio 223 are the following paragraphs, in the writing of Thomas McKean; the first was struck out:

"That it be recommended to the Supream Executive Powers of every State to give attention to the behaviour of the officers, civil and military, of the United States, when within their respective jurisdictions; that they have power to suspend from pay and employment for misbehaviour, or neglect of duty any civil officer, and to make a temporary appointmeut in his place if necessary, and to remove any such Officers as shall appear to be supernumerary; and that they forthwith report their proceedings to Congress. And, in case, of any reprehensible conduct, in a military officer, that

Resolved, That the President write to Mr. [Jeremiah] Wadsworth, and request him to attend Congress on matters of consequence:

That the Board of War be directed forthwith to enquire into the causes of the deficiencies in the department of the purchasing commissaries, and report to Congress.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, FEBRUARY 10, 1778

Resolved, That the Board of War be directed to enquire into the conduct of all strangers of suspicious characters, or whose business is not known and approved, who may come to the place where Congress sits, and to take care that the public receive no damage by such persons.

A report from the Board of War, on the department of the commissary general of military stores, was laid before Congress, and after some time spent thereon,

Adjourned to 3 o'Clock.

they make inquiry into the circumstances of the case, and lay the same as soon as possible before the Commander in chief."

"That it be recommended to the legislature of each State, to enact a law, authorizing and directing the justices of the Supream or Superior court of such State to take cognizance of, and upon a petition exhibited by any person impowered for that purpose in behalf of the United States, or his Attorney, to call before them any officer or person, or the executors or administrators of such as are deceased, who have received and not accounted for any monies belonging to the said United States, and to proceed in a summary way, upon the testimony of witnesses and examination of persons interested, upon their oaths or affirmations, [by] inspection and examination of accounts, depositions taken after notice to the opposite party, and other writings, or by all or any of the said ways, or otherwise, according to the circumstances of the case, as soon as conveniently may be, to hear and determine the same; and finally to cause their judgments or decrees in the premises to be executed, without appeal to any other court whatsoever: And that it be also recommended to the said Legislatures respectively by a law, or a clause in the law above mentioned, to oblige executors and administrators to give a priority in the payment of debts to the United States of America."

THREE O'CLOCK, P. M.

Congress proceeded to consider farther the report of the Board of War, on the department of the commissary general of military stores; but, not having time to go through the same,

Resolved, That the consideration thereof be postponed till to morrow.

Resolved, That another chaplain be chosen for the hospitals in the middle department:

The ballots being taken, the Rev. Mr. || James || Sproat was elected.

The delegates from North Carolina laid before Congress a resolution of the general assembly of that State, recommending Colonel Jethro Sumner and Colonel Thomas Clark, of the North Carolina forces, to be elected brigadiers general.[1]

A letter, from Captain Bedaulx, dated 4 February was read.[2]

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 11, 1778

A letter, of the 6, from the Board of War, was read:[3]

Ordered, That it be referred to the Board of Treasury.

Resolved, That Major Buisson, who is going into Canada, be promoted to the rank of lieutenant colonel, to be appointed to the command only of such Canadians as may be embodied in Canada.

[1] This resolution, dated December 15, is in the *Papers of the Continental Congress*, No. 59, II, folio 79.

[2] This letter is in the *Papers of the Continental Congress*, No 78, II, folio 379.

[3] This letter is in the *Papers of the Continental Congress*, No. 147. I, folio 501.

A letter, of the 10th, from Major John Clark, was read, mentioning his acceptance of the office of auditor, to which the Congress have been pleased to appoint him.[1]

A petition from Colonel John Chandler, of the Connecticut forces, was laid before Congress and read, setting forth, that he labours under a disorder which renders him unable to do his duty in the field, and expressing his apprehension that the fatigues of the camp will prove fatal to him, and therefore praying that he may have leave to resign his commission:[2] Whereupon,

Resolved, That Colonel John Chandler have leave to resign his commission.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mons. Fleury, for 200 dollars, for the payment of a horse, and in lieu of one he had killed in the public service, and that this sum be paid to John Penn, Esq[r]

That a warrant issue on the treasurer in favour of John Gibson, Esq. auditor general, for 13,000 dollars, to enable him to discharge the residue of a warrant of the 1st September last, in favour of the delegates of Georgia; he to be accountable.

That a warrant issue on the treasurer for 126 60/90 dollars, in favour of J[onathan] B[ayard] Smith, Esq. the amount of his account of pay and rations as muster master general of the flying camp and militia in 1776, as settled by John Wilcocks and Peter Chevalier, Esqrs. a committee appointed by Congress for settling the militia accounts.[3]

[1] This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 137.

[2] This petition, dated January 31, is in the *Papers of the Continental Congress*, No. 42, II, folio 38.

[3] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 67.

A letter, of the 29 January from William Aylett, Esq. to William Buchanan, commissary general of purchases, was laid before Congress, and read:

Ordered, That it be referred to a committee of three: the members chosen, Mr. F[rancis] L[ightfoot] Lee, Mr. [James] Lovell, and Mr. [John] Penn.

The committee to whom the letter of the 2 from Major General Gates was referred, brought in a report, which was taken into consideration; Whereupon, Congress came to the following resolution:

Whereas, General Gates has hitherto retained his aids-de-camp and secretary in his family, having expectations in a short time again to take the field; and whereas, the removal of his family to York town, and their manner of living in a public house, have been unavoidably very expensive, before he could procure a house for them:

Resolved, That a warrant issue on the treasury, payable to General Gates, for thirteen hundred and thirty three dollars and one third of a dollar, in order to reimburse him his extraordinary expences incurred in the public service.

Congress resumed ||the consideration of|| the report of the Board of War, on the department of the commissary general of military stores; Whereupon,

Resolved, That there shall be one commissary general of military stores, whose business it shall be to receive and deliver all arms, ammunition, and accoutrements, of every species and denomination; to provide and contract for all such articles as may be wanted in this department, according to the directions he shall receive from the Board of War and Ordnance; to receive and collect returns from all the different states where there are any continental arms and stores, draw them into one general return, and, on the first day of every month, deliver one to the Board of War and Ordnance:

In case of vacancy, occasioned by death, resignation, or otherwise, of any of the commissaries, commissaries' deputies or conductors, which may happen in any department near to where the commissary general may be, he shall have permission to fill such vacancy, pro tempore, until it shall be confirmed or disapproved by Congress:

All moneys to be drawn on account of military stores, to be, by application of the commissary general or his deputies, to the Board of War and Ordnance; and all moneys so drawn to be accounted for by him once in every six months to the Board of Treasury, or to such auditors or commissioners as the said Board shall direct. All commissaries, deputy commissaries, or conductors, who may have money advanced them by the commissary general for the use of their several departments, to keep regular accounts, and produce vouchers and receipts for the sums paid, and account for the same to the commissary general once every month, or as often as called for.

All continental armourers shall be under the direction of the Board of War and Ordnance, and of the commissary general of military stores; the armourers to receive from the said commissary all arms to be repaired, make returns of the state of repairs when demanded, and deliver the arms when repaired into his store: the principal armourer or armourers at each and every armoury to be accountable for all such arms as he or they shall receive, until they are repaired and delivered to the commissary general, his deputies or assistants; and the said commissary general shall see that every method is taken by the armourers to hasten the repairs of the arms; the principal armourers to receive money from the commissary general for the contingent expences of their departments, and the commissary general shall produce their accounts and vouchers at the adjustment of his accounts:

That there be as many deputies, assistants, commissaries, deputy commissaries, conductors, and clerks, as the exigency of the service shall require, to be appointed by the Board of War and Ordnance; and the said Board are, from time to time, to report all such appointments to Congress:

That the pay of officers in the department of the commissary general of military stores, be as follows:

Commissary general 100 dollars per month, and 6 rations a day; deputy commissary general, of which there shall be one in each military division of the states, 75 dollars per month, and 5 rations per day:

Commissaries, each	60	dollars per	month, and	4	rations per day.
Deputy commissary, each	50	do	do	3	do
Conductors, each	40	do	do	2	do
Clerks, each	40	do	do	2	do

The commissary general shall be allowed forage for two horses; his deputies, assistants, commissaries and conductors, to be allowed forage for one horse each; ~~and to be furnished by the quarter master general with as many horses on an exigency as the service requires.~~[1] and the captains of the artillery artificers, respectively, when duty requires their travelling to collect materials, to have forage for an horse:

That, for the future, no rank be annexed to the officers in this department, except they belong to the regiment of artillery artificers; and then their rank only to take place as officers of that corps; the pay also which they receive, as officers in that regiment, to be included in the pay herein settled for the officers of the commissary general's department:

[1] On the margin is the word "disagreed."

That a return be made to the Board of War and Ordnance, once every month, of all officers employed in the civil branch of ordnance and military stores.

All commissaries, deputy commissaries, conductors, and clerks, who shall have the separate charge of any stores, are, on the first day of every month, to make out an exact return of all cannon and military stores, of every species and denomination, one copy whereof they shall transmit to the commissary general, who is to put them into one general return, as heretofore directed, and one other copy thereof the said commissaries, deputy commissaries, conductors or clerks, are to send to the Board of War and Ordnance.

All the artillery artificers that are or may be employed at any armouries, laboratories, founderies, or military magazines, (those employed with the army in the field excepted) shall be under the immediate direction and subject to the orders and command of the commissary general, or the officer directed by him to take charge of the same.

The quarter master general, his deputies and assistants, shall give the commissary general every assistance of teams for the removal of public stores, and in case there be no quarter master in the department or place from whence the stores are to be removed, the commissary general shall have power to procure teams in the way and manner that will best promote the public service.

Agreed

That the Commissary General have liberty to appoint one or more Assistants in such places as the exigencies of the service may make necessary. That their pay while in such service be the same as a Commissary of Stores in his department.

All officers, artificers, and others, in the ordnance and military department shall be governed by the rules and

articles of war, in the same manner as other officers in the artillery of the United States.

The commissary general shall give such forms of returns and instructions to his deputies, assistant commissaries, conductors, &c. as the service and situation of their department shall require; and all officers in this department are to attend to such orders and instructions as they shall receive, from time to time, from the Board of War and Ordnance or the commissary general.

All regulations incidental to the department, and not enlarging the powers and authorities here given, shall be settled and made by the Board of War and Ordnance.

The Board of War and Ordnance shall transmit, from time to time, as the service shall render necessary, transcripts of all returns received from the commissary general of military stores, and also accounts of all ordnance and stores under their care, or belonging to the United States, and of the places where the same are deposited, to the Commander in Chief of the armies of the United States, in order that he may make such requisitions of supplies for the army under his immediate command, or for the separate departments, as he shall think proper, and give such advice and directions as to the disposition of them, as circumstances may, from time to time, require.

The commanding officer of artillery, for the time being, in the grand army, with the chief engineer, commissary of artillery, and eldest colonel of artillery in camp, or such of them as are present with the army, shall be a subordinate board of ordnance, under the direction of the Commander in Chief or the Board of War and Ordnance, for transacting all business of the ordnance department, necessary to be done in the field, and to have the care of all ordnance and stores at camp; and in case of sudden exigency, the commissary general of military stores shall be obliged to obey their directions as to any supplies

wanted by the army out of the stores not in camp; and the said board shall correspond with, and report their proceedings to, the Board of War and Ordnance, from whom they are to receive any necessary assistance.

Resolved, That the pay of Colonel Benjamin Flower's corps of artillery artificers shall be, for all those who engage to serve the United States as such, for three years, or during the war, twenty dollars a month, besides the same bounty, cloathing, and every other benefit allowed by Congress to the continental artillery; the officers the same pay as others of equal rank in the continental artillery; and that Colonel Flower augment the four companies ordered to be raised in January last, add other companies to the said regiment, and, if necessary, increase the pay of officers and men in the same, agreeable to such orders as have been given for that purpose by General Washington; and that he be required forthwith to transmit a copy of such orders to Congress.[1]

That if the exigency of the service makes it necessary to employ, at any time or place, more artificers than the commissary may have inlisted or can inlist, then he, his deputies or assistants, may engage them, for the time of such necessity, on the most reasonable terms possible, with the approbation of the Board of War and Ordnance.

Resolved, That Colonel Flower receive the pay and rations of a colonel from the 16 July, 1776, to this 11 February, 1778.[2]

[1] In the margin is written: "General Washington has ordered the Pay of the Privates to be increased, and, it is said, he intends to raise that of the Officers in their Corps."

[2] On the margin is written: "Col. Flower for this time did the duty both of Commissary General and Quarter Master General and received no pay therefor. In the original report this date was January 16, 1777, and these words followed: "The time is when he was appointed Commissary General of Military Stores by his Excellency General Washington; and from that time the pay and rations as herein established, to commence and be received by Colonel Flower."

This report, dated February 5, is in the *Papers of the Continental Congress*, No. 147, I, folio 495. The members present were Gates and Peters. It is endorsed "Read 7th, postponed."

Resolved, That a commission of captain in Colonel Flower's regiment of artillery artificers be granted to Wollory Meng, dated 1 of April, 1777:[1]

That Captain Lieutenant Thomas Wylie be promoted to the rank of captain of an additional company to be raised in the said regiment of artillery artificers, his commission to be dated the 1 February, 1778.[1]

Resolved, That the Board of War and Ordnance be empowered to make a contract with Mr. [James] Byers, as superintendent of a foundery of brass cannon.[2]

Resolved, That Captain Ferdinand de Brahm, who has heretofore acted as an engineer in the State of South Carolina, be appointed an engineer in the continental establishment, with the rank of major in the armies of the United States.[3]

Postponed 11 Feby

That the Corps of Artillery to be stationed in the Northern Department, consist of three companies; the Command whereof, to be given to Major Ebenezer Stevens, to whom the rank of Lieutenant Colonel be given. This Corps to be separate and distinct from General Knox's Brigade.[3]

Postponed 11 Feby

That the three officers and men now in the Grand Camp, belonging to the Northern Corps of Artillery, be ordered immediately to rejoin their respective Companies.[3]

Resolved, That Nicholas Rogers, Esq[r] aid-de-camp, have a commission of major, to rank from the 12 May, 1777, in the service of the United States.[3]

[1] These paragraphs formed a report from the Board of War, dated February 3, and are in the *Papers of the Continental Congress*, No. 147, I, folio 487. A third paragraph, relating to Thomas Dyer, is printed under February 5. The members present were Gates and Peters.

[2] Passed on the recommendation of the Board of War's letter of February 6, in the *Papers of the Continental Congress*, No. 147, I, folio 505. With it are "Heads of Articles to be agreed" upon between the Board and Byers. A copy of the contract is in No. 41, I, folio 329.

[3] These paragraphs formed a report from the Board of War, dated January 28, with Gates and Peters present.

On motion, *Resolved*, That a warrant issue on the treasurer for two months' pay, to be advanced to Colonel Thomas Hartley, for his regiment, now in York town.

Resolved, That the Board of War be directed to take the most proper measures for recruiting Colonel Hartley's regiment.

A letter, from Mons. Kermovan, was read:

Ordered, That it be referred to the Board of Treasury.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, FEBRUARY 12, 1778

A letter, from Mons. de Roche Fermoy, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of the 9th, from John Purviance, was read, desiring leave, on account of the situation of his family, to resign his office of manager of the United States' lottery.

Resolved, That he have leave to resign.

Ordered, That the letter be referred to the Board of Treasury.

A letter, of the 11 January, from Governor Caswell of North Carolina, enclosing sundry resolutions of the general assembly of that State, was read:

Ordered, That the letter be referred to the Board of Treasury.

A letter, of the 10, from the Board of War, was read.[1]

The committee appointed to take into consideration the letter of the 3d, from the supreme executive council of the State of Pensylvania, to the delegates of the said State, and the proceedings of the Board of War upon the resolution of Congress of the 15 of January, for laying

[1] This letter, on foreign officers, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, 1, folio 513.

up magazines of flour for the use of the army, brought in a report, which was taken into consideration: Whereupon,

~~Resolved, That the commissioners appointed under the law of the State of Pensylvania for the better supply of the army are fully adequate to the purpose of purchasing the 30,000 barrels of flour required by the resolution of Congress, of the 15 of January.~~

~~That the instructions of the Board of War to General James Ewing, Colonel John Byers and others, their Superintendants for the purchase of flour, &c, in some respects interfere with the business and powers of the commissioners under the said law of the State of Pensylvania. That the Board of War have ordered a greater quantity of flour and other provisions to be purchased than was directed by the resolution aforesaid, and have employed superintendants for that purpose: Whereupon,~~

~~Resolved, That the Board proceed in that business, and that they confine the superintendants by them appointed to the purchase of the extra quantity of flour and other provisions specified in their instructions, and cautiously avoid clashing with the commissioners appointed under the law of the State of Pensylvania aforesaid, in the execution of their duty.~~

That three hundred thousand dollars be transmitted to the president of the State of Pensylvania to enable the commissioners appointed under the law of that State for purchasing provisions for the army, to execute their commissions, and that they account to the Board of Treasury for the expenditure thereof.

~~That the commissioners under the act aforesaid observe such instructions and orders as they shall from time to time receive from Congress, or the Board of War, relating to the quantity of the articles of provisions and forage by them to be purchased or seized; and the places where~~

~~the same shall be deposited or carried to and the manner in which they shall be secured and managed.~~

~~That the said commissioners inform the superintendants aforesaid, or the Board of War, from time to time, of the quantity of provisions by them purchased and where the same are deposited, in order that they may receive directions with respect to the places where the said provisions are to be transported to and secured.~~[1]

~~That the said commissioners be authorised and requested to purchase every kind of provisions and forage wanted for the army, not confining themselves to the article of flour above mentioned.~~

~~Resolved, That the superintendants appointed by the Board of War be allowed two and a half per cent on all purchases by them to be made, in full of all charges for clerks and other expences whatsoever, except the expence of transportation, and that in purchasing they do not exceed the prices established by law.~~[2]

THREE O'CLOCK, P. M.

The Committee on the Treasury, to whom was referred the letter from the Board of War, brought in a report, which was taken into consideration: Whereupon,

Resolved, That a proper person be appointed to act as secretary of ordnance, and pay master to the Board of War and Ordnance:

That his salary shall be ninety dollars a month:

That the said pay master shall answer all warrants drawn on him by the Board of War and Ordnance, out

[1] To this point, the report, in the writing of John Henry, is in the *Papers of the Continental Congress*, No. 20, II, folio 23. Against each paragraph is written the word "Agreed," but only one paragraph appears to have been retained in the Journals.

[2] These two paragraphs, in the writing of Abraham Clark (?), are in the *Papers of the Continental Congress*, No. 20, II, folio 25. They were also "agreed" to.

of the money which he shall receive by orders of Congress, and shall keep fair accounts of his payments, and make monthly returns thereof to the Board of Treasury: he shall also transmit returns once a month, or oftener, to the pay master general, or other proper officer or officers, of all advances made to continental troops, or militia, in actual service, in order that proper stoppages may be made:

That the Board of War and Ordnance shall, from time to time, make out the proper estimates of money to be advanced for the use of their department, and lay the same before Congress; and all monies granted by Congress, on their application, shall be applied to the purposes set forth in the said estimates.

Negatived.

That an Auditor of Accounts be appointed for the Board of War and Ordnance, whose Duty it shall be to settle all accounts of monies that are or may be advanced or paid in that Department, and to govern himself by the Contracts of the said Board, and where no Contracts exist, by their Directions relative to the Allowances to be made on such Accounts; and that he observe such Regulations as he shall receive from the Board of Treasury.

Congress proceeded to the election of a secretary of ordnance, and a pay master to the Board of War and Ordnance, and, the ballots being taken,

Joseph Nourse, Esqr was elected.

Resolved, That a warrant for 316 dollars, issue in favour of Captain Reuben Lipscomb, for the extra month's pay granted to the army under General Washington, by the resolution of the 29th of December last, and which is due to 40 men of the 7th Virginia regiment now on their way to Virginia, who were regularly discharged on the 2 February, and mentioned in a list signed by Brigadier

General Woodford, and also to Captain Lipscomb, who conducts them; he to give a receipt for the money, and to account for the same.

The letter, of the 9th January, from General Washington, being sent for from the Board of War, the same was read; and, a motion being made thereon,

Resolved, That the letter, with the motion, be referred to a committee of three:

The members chosen, Mr. [Abraham] Clark, Mr. [Eliphalet] Dyer, and Mr. [William] Ellery.

Resolved, That the Board of War and Ordnance be directed to be very cautious in recommending or giving any encouragement to foreign officers who have come of their own accord to seek employment in the army of these United States; that if the Board shall find, among such foreigners, any of eminent abilities and merit who by their knowledge and experience, can, in the opinion of the Board, render essential service to these states in such way as the Board shall be able to point out, Congress expect the Board will recommend them: and if any foreigners of rank and eminence in their own country should offer their services, it is also expected that the Board will report specially respecting them: but, as to all others, the Board are directed to thank them for their offers of service, without suffering them to wait, and thereby incur expence by unnecessary attendance,

Resolved, That the 300,000 dollars, ordered to be advanced to the president of Pensylvania, be paid to the delegates of that State, to be by them transmitted to the said president.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, FEBRUARY 13, 1778

A letter from Jonathan Hudson, at Baltimore, was read:

Ordered, That it be referred to the Board of Treasury.

The committee to whom the letter of W. Aylett, deputy commissary general of purchases in Virginia, was referred brought in a report, which was taken into consideration; Whereupon, Congress came into the following resolution:

Whereas, there is great danger of the armies of the United States being very much distressed, if the exportation of beef and pork from the State of North Carolina be not immediately prohibited; Therefore,

Resolved, That the legislative and executive powers of the State of North Carolina be earnestly requested immediately to lay an embargo on all beef and pork, except so much as may be necessary for the vessel's use for the voyage, and to take the most effectual measures to prevent the embargo from being evaded.[1]

A letter, of this day, from the Board of War, was read:[2]

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [James] Forbes, Mr. [Abraham] Clark, and Mr. F[rancis] L[ightfoot] Lee.

[1] This report, in the writing of John Penn, is in the *Papers of the Continental Congress*, No. 19, I, folio 185. On the back of the report Thomson has noted the vote for a committee and a resolution, neither of which can be located in the Journals. The vote must have been taken after April 15, when Carroll attended.

"Ellery 1, Scudder 1, Carroll 7, Adams 2, Huntington 1, Morris 3, Sherman 1, Dana 1, Duer 3, J. B. Smith 5, and F. L. Lee 1."

The resolution is as follows:

"*Resolved*, That where officers are promoted to rank for any particular service, or in any particular place, without being annexed to particular corps, they shall not, in virtue of such appointment or rank, have any claim to similar rank in the army of the United States, except on the service, or in the place specified; and if called to join the army, they shall only have rank according to the commission or command assigned them when called to the Main Army."

[2] This letter is in the *Papers of the Continental Congress*, No. 147, I, folio 517.

The Committee on the Treasury brought in a report, which was taken into consideration: Whereupon,

Resolved, That the 10,000 dollars ordered to be advanced to the Board ||of War and Ordnance,|| for contingent expences, on the 26 January last, be paid to Joseph Nourse, Esqr pay master of the Board of War and Ordnance, for the contingent expences of the Board; the said J. Nourse to be accountable.[1]

The committee appointed to examine into the circumstances of the French officers who have been detained under a promise of having their expences borne, brought in a report, which was taken into consideration; Whereupon,

Resolved, That 910 dollars be paid to Mons. de la Balme, in full of all claims and demands against the United States, and that the Committee on Foreign Applications inform Mons. de la Balme that Congress have no farther occasion for his services:

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That 100 dollars be advanced to Mr Charles Cist, to defray his expences to Baltimore, and to a paper mill on Gunpowder river, on the public account; he to be accountable.[2]

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to Dr. John Witherspoon, for hay for the army, and wood for the hospital at Princeton, as appears by the certificate of Enos Kelsey, acting in the quarter master's department, the sum of 429 30/90 dollars:

That there is due to Belcher P. Smith, for his services as clerk in the secretary's office, from 6 November to 5

[1] This resolve, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 136, II, folio 75.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 69.

February, inclusive, being three months, and for some necessaries purchased for the office, the sum of 197 60/90 dollars:

That there is due to John Dunlap, for printing sundry resolves of Congress from 31 October, 1776, to 10 September, 1777, a balance of 1,174 69/90 dollars:

That there is due to the Rev. Mr. Lotbinier, as chaplain in Colonel Livingston's Canadian regiment, from 11 January to 10 February, 1778, inclusive, for his pay, exclusive of rations, 40 dollars:

That there is due to the estate of John Hart, deceased, for 71 meals, victuals supplied the York county militia, which ought to be paid to his legal representatives, 7 9/90 dollars:

That there is due to Andrew Nabinger, of the town of York, for victualling General Lee's guard in 1776, the sum of 44 59/90 dollars:[1]

Ordered, That the said accounts be paid.

Ordered, That the letter of 29 January from Mr. Aylett be referred to the Committee of Commerce and to the Marine Committee.

THREE O'CLOCK, P. M.

Resolved, That Mr. Nathaniel Scudder be added to the Medical Committee.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the treasurer for 25,000 dollars, in favour of the pay master of the Board of War and Ordnance, to be transmitted by him to Benjamin Harrison, Esq[r] deputy pay master general in the southern department; for which the said B. Harrison is to be accountable.

Ordered, That a warrant issue on the treasurer for 1,000

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 73.

dollars, in favour of Mr. William Govett, for the purpose of paying expresses and incidental expences at the treasury office; for which he is to be accountable.

Resolved, That the treasurer be directed to pay to Mr. Joseph Nourse, pay master to the Board of War and Ordnance, the warrant for 350,000 dollars, dated the 14 January last, and drawn by the president of Congress, in favour of the Board of War; one hundred thousand of which to be transmitted to Ebenezer Hancock, Esqr deputy pay master general in the eastern department, and two hundred and fifty thousand to his assistant in the State of Rhode Island; also another warrant, dated the second instant, and drawn in favour of the said Board, for one hundred thousand dollars, which are to be by him transmitted to the said Ebenezer Hancock, who is to be accountable for both sums.

And that a Warrant of the third of February for 200,000 Dollars in favour of the Board of War for the purpose of ~~forming a Magazine of Thirty Thousand Barrels of Flour~~ purchasing Provisions for the use of the Grand Army be also paid for this purpose to the said Joseph Nourse, who is to be accountable for the same.[1]

Postponed

~~Resolved, that there is due to Charles Thomson, Esq. for his services in the Office of Secretary to Congress, from the 10th of May, 1776, to the tenth of the present Month, it being one Year and nine Months, at 1,200 Dollars per Year, 2,100 Dollars, and that two thousand Dollars per year be hereafter allowed to the Secretary of Congress.~~

Resolved, That a warrant issue in favour of Charles Thomson, Esqr for 3,500 dollars in consideration of his faithful services, from the 10 of May, 1776, to the 10 February 1778, as secretary to the United States.[2]

The committee on the state of Georgia brought in a report which was read:

[1] Passed February 18, *post*.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 77. The last was an amendment, in the writing of Francis Lightfoot Lee.

No. 1

The Committee appointed to take into Consideration the Situation of the State of Georgia, beg leave to Report as follows, viz:

Whereas the State of Georgia has laboured under many and great difficulties in throwing off the Yoke of British Tyranny and acceding to the Continental Union, and being but a weak State, and almost surrounded by Enemies, it will be necessary for their Protection and Assistance to maintain on the Continental Establishment, at least two thousand Men. And whereas there are now in the State of Georgia four Battalions of Infantry, one of Horse, three Companies of Artillery, and six Row Gallies, which will be a considerable Expence in Officers, while there are but few Privates under their Command, and as there is great Need of retrenching all superfluous Charges;[1]

Resolved, That there shall be from this time only two Battalions of Infantry to be composed out of the four old Battalions, the first, new Battalion to be under the Command of Colonel ——— Lieutenant Colonel ——— and Major ——— the Captains, Lieutenants, Ensigns, Surgeons, and other Officers to be chosen by a Majority of the Field Officers above mentioned, out of the first and second old Battalions. The second new Battalion to be commanded by Colonel ——— Lieu: Colonel ——— and Major ———, the Captains, Ensigns, Surgeons, and other Officers to be chosen by a majority of the above field Officers, out of the third and fourth old Battalions: the Privates of the three artillery Companies to be incorporated into two: the first under Captain Thomas Lee and his officers to remain in and about Savannah; and the other under Captain Thomas Morris and his officers in and about Sunbury. The Battalion of Horse to be reduced to four Independant Companies, of fifty Privates each, under the Command of Capt: ———.[2]

[1] In the margin is written "Agreed to allow 2,000 R[ank] and F[ile] for protection of Georgia." The writing is that of Henry Laurens.

[2] On folio 433 is the draft of a motion or amendment, in the writing of Abraham, Clark, which may have given rise to this paragraph. The motion is as follows:

"*Resolved*, That the Forces at present stationed in Georgia be reduced to two battalions of Infantry under the present Establishment; and 2 Unregimented Companies of Artillery; and 4 Unregimented Companies of Horse. The officers of the said battalions and companies to be selected by the Legislative Authority of that State, out of the Officers at present on that Station, as nearly *agreeable to the Rank they now hold* as the public Service in their opinion will admit, dismissing from the Continental Service all such officers as may not be retained and employed in manner above said."

There shall be two Row Gallies, with the usual Officers and fifty Privates each, together with one large or two small armed Sea Vessels, to cruize constantly on the coast and protect the Trade. These Vessels to be instead of the Gallies already built there, which shall be sold, and the Money appropriated for the use of the Sea Vessels aforesaid.

~~Resolved, That the sum of eight hundred thousand Dollars be allowed for the Support of the abovementioned Establishment, and if at any time the Number of Troops as aforesaid is not or cannot be procured in Georgia, and there should be any Attacks made on the said State, either by the British Troops, or the Indians, and the Legislative or Executive Authority shall find it necessary to call out the Militia, that the pay and subsistence of the said Militia shall be added to the pay and Subsistence of such continental Troops, as shall be raised as far as to the Amount of the above mentioned 800,000 Dollars. And if from the Necessity of the Circumstance, it shall amount to more, the said State shall make Application to Congress for the Overplus Money.~~

Resolved, That for the pay and subsistence of the above said Troops, the Money to be raised by Tax, as recommended by Congress, shall be in part, as also what Money shall arise upon the Sale of the United States Lottery Tickets, and also the Monies put into the Loan Office of the said State. And the State is hereby impowered to apply the Money of these Funds for the Purposes aforesaid, the Ballance if any to be remitted to the Treasury of Georgia every six months, or the State to draw Bills for the same on the Continental Treasury at their Option.

No. 2

The State of Georgia having appropriated 100,000 Dollars for a fund and appointed Commissioners to import and purchase Arms, Artillery, Ammunition, Cloathing, &c. for what Troops May be stationed in the said States.

Resolved, That all Supplies of Cloathing, Arms, Ammunition, &c., wanting for the Continental Troops be imported and purchased as aforesaid, under the Care and Direction of the Legislative and Executive Authority, and that the same be delivered to the Order of the Commanding Officer residing in the said State.

Resolved, That the Pay, Subsistence and contingent Expences for the Troops shall be drawn for on the Regimental Pay Master as usual, by the Commanding Officer, who shall be accountable, if there be any wrong Charges.

Resolved, That all Provisions for the Troops in Georgia, shall be supplied by Contract, or in such other way as shall appear to the Government of the said State, to be the surest Supply and the least prejudicial to the said State and the United States.

Whereas it appears that the State of Georgia, has advanced a very considerable Sum for the Continent in support of the Continental Troops there, for almost two years past, which has obliged them to make large Emissions of paper Currency, as well as to borrow near one hundred thousand Pounds Sterling for the same Purpose for which they have pledged the Faith of the State, that those Debts shall be redeemed with Continental Currency.

Resolved, That out of the money formerly granted to Georgia, That the Sum of 500,000 Dollars be immediately remitted to the said State, to enable them to take up the Bills of Credit, and Treasury Certificates, issued for the Purposes aforesaid, and that the further Sum of 300,000 Dollars be remitted to the said State on or before the first Day of May next, for the Purposes aforesaid, or the State to draw for the same, as shall be most for their Convenience.

~~Whereas, It appears by a Report from the Auditors appointed to settle the Accounts presented by the State of Georgia, that large Sums of Money have been supplied by that State, on Account of the Continent, the Expenditure of which is not in any satisfactory Manner accounted for by the several Persons, that have been entrusted therewith, and who are mostly continental Officers.~~

~~Resolved, That all Officers that now hold or have held a Continental Commission, and have received or shall hereafter receive any money on the public Account in the said State, and have not, or cannot account satisfactorily for the same, shall be liable to Military Arrest from the Commanding Officer in Georgia, altho' in any other State: and shall be subject to be removed from either of the States, with the Consent of the Executive Authority of the same, into Georgia, in order to be tried by a Court Martial, according to such Resolves of Congress that now are, or shall be hereafter made for compelling delinquents to account for the public Money, notwithstanding the said Officer may desire to resign, or has offered the resignation of his Commission, and that no Resignation shall be accepted of, until all public Accounts are settled and paid. And the Commanding Officer is hereby required to use his best Endeavours to assist the said State in compelling all Continental Officers to account for the money entrusted to their Care.~~[1]

[1] At the end of this paragraph is written, "already done in General Resolves."

No. 3

Resolved, That whenever the Legislative or Executive Authority of the State of Georgia shall recommend a particular Place or Post to be garrisoned or guarded, or the Removal of any Part of the Troops from any post or place, it shall be the duty of the Commanding Officer to comply therewith immediately, and when any Officer shall so far misbehave, as to induce the Legislative or Executive Authority to think he deserves to be removed from his Command they shall have power to suspend him, until the Sense of Congress shall be known, and for this purpose, they shall send the Suspension with the reasons thereof to Congress as soon as may be.

Resolved, That Major General Howe and three of the eldest field Officers in South Carolina shall immediately repair to Georgia and consult with the Commanding officer there and the field Officers of the said State, on a Plan for reducing the Province of East Florida, and when the said Plan shall be agreed on it shall be at the Option of General Howe either to carry it on in person, or to commit the Execution thereof to Colonel Samuel Elbert, and that General Howe shall order of the Continental Troops in South Carolina, to be employed in conjunction with the Troops now in Georgia to carry on the said Expedition, and that General Howe be empowered and required to send on the said Expedition, such Continental Artillery, Arms, Stores, &c, either in South Carolina or Georgia, that may be found necessary. And further that General Howe, or the Officer Commanding on the said Expedition, be empowered to borrow of the states of South Carolina and Georgia, all such Artillery, Arms or any other Military Stores necessary for the forwarding this Expedition, and that the Continent will make good the loss or damage.

And that an experienced Engineer be sent on the said Expedition either from the Army or Elsewhere.

Resolved, That it be recommended to the States of Virginia and North Carolina, to permit the State of Georgia to recruit the Compliment of men heretofore granted by the said State, being two Battallions, and that the states of Virginia, North and South Carolina, be requested to give all possible assistance to the State of Georgia, in apprehending deserters from the Continental Troops stationed there, and to cause them when apprehended to be conveyed to Georgia.

No. 4

Whereas at the first of the Dispute with England, the Planters and Lumber Makers in the State of Georgia had large Quantities of Rice and Lumber by them, the greater part of which has perished for want of Exportation; And also now the Planters have a large share of two Crops of Rice on hand which must soon be good for little, and the Lumber Makers are entirely without any Sale or demand for their Labour, as there is little or no Exportation, but by Strangers who are mostly French, and seldom take any thing but Indigo. The mercantile part of the State being in general inimical to Independence, many of them have left the State of themselves, others have been sent away, and the few remaining have declined all Trade. And whereas the Continent is in want of remittances to France, and the Islands, and it being well known that nothing makes a surer remittance, than Rice, Deer Skins and Lumber, and also that the Ports of Georgia are less disturbed by the Enemy than most other Ports in America, The Delegates of Georgia hope that some mode may be adopted, in the Continental Commerce to take off the Produce of that State, whereby the distresses of the Inhabitants may be much lessened, and they be enabled, as readily as they are willing, to pay the Taxes necessary for the support of Government.

Resolved, Therefore that the Continental Agents, in France, be ordered immediately to purchase a Number of Prizes sent in there, especially Vessels from one hundred and fifty to three hundred Tons Burthen, and send them to Georgia with Cargoes, suitable for the Inhabitants, or Soldiery, consigned to one or more Agents to be chosen by the State, who shall give security for their Conduct which Agents Shall load the said Vessels back to France, &c, or the Islands, as they shall be ordered by your Agents in France. And also if the State can procure Vessels themselves and will load them with Rice, Indigo, and Deer Skins to France, and consign them to the continental Agents, or to the West Indies, with Rice, Corn or Lumber, consigned to the Continental Agents there, that on the Vessels sailing so loaded, and a Bill of Lading from the Captain, and an Invoice of the Cargoes being sent to the Commercial Committee, the said State Shall be entitled to draw on the said Committee for the amount of the Cargo and necessary Charges. A Duplicate of the Bill or Bills for the said Amount coming with the Invoice and Bill of Lading, on the receipt of which the said Committee shall be empowered to pay the said Bill, and the Cargo as afore-

said shall be deemed Continental, and be at the Risque of the Continent from the time of Shipping.

Resolved, That when Prizes are taken by any Continental Vessel in the West Indies that some of them be ordered into Georgia for sale and the proceeds to be shipped in the produce of the Country to such ports as may be ordered.

The Commercial and Marine Committee having lodged a sum of Money in Georgia for the purpose of Importing Arms Ammunition, Cloathing &c, for the use of the Troops: And whereas the State has likewise established a fund for that purpose, and appointed Commissioners to carry on the same, and the State has ordered their Delegates to apply to Congress, that whatever Money, goods &c may be in Georgia belonging to the Continent be put under the Management of the State in order that justice may be done in the Transacting thereof, and no Interference happen between the State and the Continent.

Resolved, That all money's goods, wares, and Merchandize, belonging to the Continent and sent to Georgia by the Marine or Commercial Committee, be delivered over to the order of that State, the said State to be accountable, and that the Marine and Commercial Committee be desired to give Orders accordingly.[1]

Ordered, That the consideration thereof be postponed till to morrow.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, FEBRUARY 14, 1778

Resolved, That a committee of three be appointed to revise the rules and orders for regulating the conduct of Congress in transacting business, and report such farther rules and regulations as they judge proper:

The members chosen, Mr. [James] Lovell, Mr. [John] Witherspoon and Mr. [Thomas] M'Kean.

[1] These reports, numbered 1 to 4, in a writing not identified, are in the *Papers of the Continental Congress*, No. 20, II, folios 429–438. They apparently formed one report.

The committee to whom the letter from the Board of War was referred, reported, that they have prepared sundry resolutions for forwarding the laying up magazines for the supply of the army, and preventing any interference between the commissioners appointed for that purpose by an act of the general assembly of Pensylvania and the superintendents appointed by the Board of War, and that it is their desire that these resolutions, if agreed to by Congress, should be substituted in the place of the report of the committee to whom the letter of the 3 from the executive council of Pensylvania, and the proceedings of the Board of War on the resolution of the 15 January were referred, and the resolutions passed by Congress thereon, except the granting 300,000 dollars, to the president of the State of Pensylvania:

The resolutions being read, were agreed to as follows:

Whereas it is expedient and necessary to lay up magazines of provisions for the support of the army, and, for that purpose, Congress have directed 12,000 barrels of flour to be deposited at or near Lancaster, 8,000 barrels at or near Reading, 6,000 barrels at or near Bethlehem, 2,000 barrels at Downings town, and 2,000 barrels at Pottsgrove; and, whereas, in consequence of the recommendation of Congress, the general assembly of Pensylvania have, by a law, appointed commissioners in each county within their State, to purchase or seize wheat, flour and other provisions, &c. for the supply of the army, pursuant to such orders as they shall receive from Congress;

Resolved, That the president and executive council of the State of Pensylvania be desired to issue the money, with which they have been or shall be furnished by Congress, to the said commissioners, in such proportions as they shall think fit; that they instruct the commissioners on the east side of Susquehanna, to proceed without delay,

in the execution of the trust reposed in them; and that they instruct them to which of the above-mentioned places they shall convey the flour and other provisions which they shall purchase or seize, in order to form the magazines aforesaid:

That the said executive council be authorized and requested to appoint a suitable person at each of the above places, with such a salary as they shall judge reasonable, to inspect, receive, store and take care of the provisions aforesaid, and to issue the same upon the orders of the Board of War, until Congress shall appoint other store-keepers in their stead:

That the president and council aforesaid be requested to cause a weekly return to be made to the Board of War of the quantity of provisions stored at each of the places above-mentioned:

That the Board of War give directions and orders to the commissioners appointed by the aforesaid law, in the several counties on the west side of Susquehanna, respecting the quantity of provisions to be purchased or collected by them, and the places to which the same shall be conveyed; and that the said Board appoint a suitable person at each of the places they shall fix on, with such a salary as they shall judge reasonable, to inspect, receive, store and take care of the said provisions, and to issue the same upon the orders of the Board of War:

That the commissioners aforesaid be authorized to purchase every kind of provision and forage wanted for the army, not confining themselves to the article of flour; that the said commissioners deliver the live stock, by them purchased, to the order of the deputy commissary general of purchases, or his assistants, and the forage, to the order of the commissary of forage, or his assistants, to whom severally they are directed to send immediate

notice, when such purchases are made, and to take duplicate receipts upon the delivery, one of which they shall transmit to the Board of War:

That the Board of War be directed to correspond, from time to time, with the president and council of Pensylvania, respecting the business aforesaid, and if, from the circumstances or situation of affairs, they shall judge it proper or necessary to lessen the quantity of provisions to be laid up between Susquehanna and Delaware rivers, or to change the places of the magazines, that they communicate the same to the president and council, who are requested to attend thereto, and to issue orders to the commissioners to govern themselves accordingly.

And, whereas, the Board of War have judged it expedient and necessary, that a greater quantity of flour and other provisions, than was directed by the resolution of Congress of the 15 January, should be purchased, and other magazines formed, besides those above mentioned; and have, agreeably to the powers vested in them by the said resolution of the 15th January, employed superintendents for the purchase of flour, &c.

Resolved, That the Board of War proceed in that business, and that they direct their superintendents, to purchase such farther quantities of flour and provisions, and have them conveyed to, and secured in, such places as the Board shall direct; and that they instruct such of their superintendents as may purchase in Pensylvania, to avoid clashing with the commissioners appointed by the law of that State, in the execution of their duty:

That the said Board be empowered to appoint a suitable person at each of the new magazines, which they shall establish, with such a salary as they shall judge reasonable, to inspect, receive, store and take care of the provisions purchased and conveyed thither by the said

superintendents, and to issue the same upon the orders of the Board of War:

That the superintendents, appointed by the Board of War, be allowed a commission, not exceeding 2½ per cent. on all purchases by them made, in full for their trouble and expences therein; and that, in purchasing, they do not exceed the prices established by the laws of the states in which the purchases are made.

While this last was under debate, it was moved, and, by a vote, carried, that a vote should be first taken on the following resolution to be added: viz.

And that the president and council of Pensylvania be empowered to settle the pay, or allowance, to be made to the commissioners appointed by the law of their State, for their trouble and expence in purchasing, seizing and collecting provisions and forage, not exceeding 2½ per cent. on the provisions and forage by them so purchased, or seized, for the army:

New Hampshire,		
Mr. Frost,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	ay	*
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Dyer,	no	no
New York,		
Mr. Lewis, ‖gave no vote.‖		
New Jersey,		
Mr. Witherspoon,	ay	ay
Clark,	ay	
Scudder,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Clingan,	ay	
James Smith,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Forbes,	no	no
Henry,	no	
Virginia,		
Mr. F. L. Lee,	no	*
North Carolina,		
Mr. Penn,	ay	ay
South Carolina,		
Mr. Laurens,	no	no
Georgia.		
Mr. Langworthy,	no	no
Wood,	no	

So it was resolved in the affirmative.

The question was then put to agree to the foregoing resolution ||to which the last was moved as an addition;||

New Hampshire,		
Mr. Frost, ‖gave no vote.‖		
Massachusetts Bay,		
Mr. Gerry,	ay	*
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Dyer,	no	no
New Jersey,		
Mr. Witherspoon,	ay	ay
Clark,	ay	
Scudder,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
Clingan,	ay	
Jas. Smith,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Forbes,	no	div.
Henry,	ay	
North Carolina,		
Mr. Penn,	ay	ay
South Carolina,		
Mr. Laurens,	no	no
Georgia,		
Mr. Langworthy,	no	no
Wood,	no	

So it was resolved in the affirmative.

Ordered, That the report of the Committee on the letter of the 3, from the council of Pensylvania, &c., and the proceedings of Congress thereon, except what relates to the grant of money be expunged.

Adjourned to 10 o'Clock on Monday.

MONDAY, FEBRUARY 16, 1778

Mr. [Oliver] Wolcott and Mr. [Samuel] Huntington, 2 delegates from Connecticut, attended, and produced the credentials of their appointment, ||which were read as follows:||

(L. S.) At a general assembly of the governor and company of the state of Connecticut, holden at Hartford, by adjournment on the 11th of October, *Anno Domini* 1777:

Resolved, by this assembly, That Roger Sherman, Eliphalet Dyer, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Oliver Ellsworth, and Andrew Adams, esqrs. be, and they are hereby appointed delegates to represent this state at the general Congress of the United States of America, for the year ensuing, and until new be chosen and arrive in Congress, if sitting; and one or more of them who shall be present in said Congress are hereby fully authorized and empowered to represent this state in said Congress, to counsel, and advise, and resolve upon measures necessary to be taken and pursued for the defence, security and preservation of the rights and liberties of the said United States, and for their common safety: and of such their proceedings and resolves they do transmit authentic copies, from time to time, to the general assembly of the state.

A true copy of the record, examined by

GEORGE WYLLYS, *Secretary*.

A letter, of the 3d, from James Wilkinson, Esqr at Albany, and one of the 27 January, from General Heath, at Boston, and one of the 26 January from General Schuyler, at Albany, with two papers enclosed, ||were read.||[1]

Ordered, That they be referred to the Board of War.

A letter, of the 20, and one, of the 25, from Jonathan Trumbull, Esq. deputy pay master in the northern department, were read:

Ordered, That they be referred to the Board of Treasury.

A letter, of the 24 January, from Governor Trumbull, ||was read,|| informing that Colonel Joseph Trumbull will, if Congress thinks fit to keep his seat vacant, attend and take his seat at the Board of War as soon as his health will permit:[2]

Ordered, That the President inform the governor, that Congress expects Colonel Trumbull's attendance as soon as his health will permit.

[1] The letter of Wilkinson is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 447; that of Heath is in No. 157, folio 85; that of Schuyler is in No. 153, III, folio 268.

[2] This letter is in the *Papers of the Continental Congress*, No. 66, I, folio 378.

A letter, of 30 January, from Thomas Cushing, Esqr president of a convention of committees from the New England states, which met at New Haven, 15 to 20 January, with the proceedings of said convention, was read:[1]

Ordered, That the same, together with the letter of the 11, from Governor Caswell, with the resolutions enclosed, be referred to a committee of five:

The members chosen, Mr. [John] Witherspoon, Mr. [Elbridge] Gerry, Mr. [Thomas] M'Kean, Mr. [James] Lovell, and Mr. [Francis Lightfoot] Lee.

A letter of the 3d; one of the 5, with five papers enclosed; one, of the 6, with a draught of proposed resolutions, one, of the 11, and one, of the 12, from the committee of Congress at camp, were read.[2]

The delegates from Pensylvania laid before Congress, a letter of the 7th, from the council of their State, which was read, containing complaints against R. L. Hooper, Esqr deputy quarter master general:[3]

Ordered, That it be referred to the Board of War.

Ordered, That the letter of the 11, from the committee at camp, respecting the irruption into Canada, be referred to the Board of War, who are directed to report specially thereon, and to lay before Congress a copy of the orders given to the officer commanding the irruption.

Ordered, That the letter of the 6th, from the committee at camp, so far as relates to the prisoners of the conven-

[1] This letter, and the proceedings of the convention, are in the *Papers of the Continental Congress*, No. 33, folio 329.

[2] The letter of the 3d is in the *Papers of the Continental Congress*, No. 33, folio 79 that of the 5th is on folio 91; the 11th, on folio 117; and the 12th, on folio 128; the 6th in No. 78, VII, folio 159. The letter of the 11th concerned the "irruption into Canada," and bears the following endorsement: "Referred to the Board of War, who are directed to report specially thereon, and to lay before Congress a copy of the orders given to the officer."

[3] This letter is in the *Papers of the Continental Congress*, No. 69, 1, folio 467.

tion at Boston, be referred to a committee of three. who are to confer with the Board of War:

The members chosen, Mr. [Elbridge] Gerry, Mr. [Oliver] Wolcott, and Mr. [William] Ellery.

THREE O'CLOCK, P. M.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to Richard Peters, Esq[r] late secretary to the Board of War, his salary from the 13 June, 1776, to the 27 November, 1777, being one year, five months, and fourteen days, at 800 dollars per annum, the sum of 1,164 40/90 ||dollars,|| and for his fee for prosecuting the appeal in the case of the ship *Elizabeth*, 60 dollars; in all, 1,224 40 90 dollars; that he has received of the Board of War, in cash, 928 dollars, and in fire wood, left at Lancaster, 9 dollars, making in all, 937 dollars, leaving a balance due to Mr. Peters of 287 40/90 dollars:

That there is due to Mr. Joseph Nourse, his salary as deputy secretary to the Board of War, from the 10 November, 1777, to 10 February, 1778, inclusive, being three months, at 65 dollars per month, 195 dollars; and for cash paid William Handen, express to Lancaster, 4 dollars; the whole amounting to 199 dollars:

That there is due to Gotlieb Ziegler, for victualling Pensylvania militia, in July and August, 1776, 20 3/90 dollars:[1]

Ordered, That the said accounts be paid.

A letter from the Board of War, with a letter from R. L. Hooper, and sundry papers enclosed, was read:[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, 11, folio 81.

[2] The letter of the Board of War is in the *Papers of the Continental Congress*, No. 147, I, folio 521.

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [Thomas] M'Kean, Mr. [Abraham] Clark, and Mr. [Nathaniel] Scudder.

The Committee on the Treasury, brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Brigadier General de Roche Fermoy, for 800 dollars, to enable him to pay the demands now against him, and procure a passage to the West Indies; and that bills be taken for this sum, and also for the balance that may appear to be due to the United States, on adjustment of his account at the Board of Treasury, payable to the treasurer of the United States, at the rate of one dollar for three, being the ||present|| exchange.[1]

A letter, of the 10 January, from Governor Clinton, of New York, to Mr. F[rancis] L[ightfoot] Lee, was laid before Congress, and read:

Ordered, That it be referred to the Board of War.

Another letter, of the 16, from Governor Clinton, was read.[2]

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the commissioner of the loan office in the State of New York, for the sum of 50,000 dollars, in favour of Jonathan Trumbull, Jun. Esq[r] deputy pay master general for the northern department; for which he is to be accountable.

Resolved, That two millions of dollars be emitted, under the direction of the Board of Treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 79.

[2] This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 102.

same tenor and date as the emission directed the 21 of January last, be numbered from the last number of each respective denomination of that emission, progressively, and consist of the following denominations:

30,770 bills of	2 dollars each		61,540
30,768 do. of	3 do.	-	92,304
30,768 do. of	4 do.	-	123,072
30,768 do. of	5 do.	-	153,840
30,768 do. of	6 do.	-	184,608
30,768 do. of	7 do.	-	215,376
30,770 do. of	8 do.	-	246,160
30,770 do. of	30 do.	-	923,100
			2,000,000

That all powers and duties of Michael Hillegas, Esq. and of the inspectors of the press, signers and printers of the emission directed on the 10 May last, shall extend to the said two millions now to be emitted, subject, however, to such directions and instructions as the Board of Treasury may judge expedient.[1]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, FEBRUARY 17, 1778

A letter from the Rev. Mons. Lotbinier, was read:

Ordered, That it be referred to the Board of War.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Captain Peter Dolliver, for 2,247⅓ dollars, in discharge of Colonel Palfrey his draught of the 13 instant on the president of Congress, in favour of Lieutenant Col-

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 83.

onel William Smith, and endorsed by him to the said Dolliver for that sum; William Palfrey, Esq[r] pay master general to be accountable.[1]

A letter of the 14, from Major General Mifflin, at Reading, was read.[2]

The committee, to whom was referred the letter from the Board of War, with the letter from R. L. Hooper, and others, brought in a report, which was taken into consideration: And thereupon, Congress passed the following resolution:

Whereas, by the resolutions of the 14 instant the commissioners appointed by the State of Pensylvania were authorized and directed to purchase and store in magazines, 30,000 barrels of flour, on the east side of the Susquehanna, and by a letter, since laid before Congress, from R. L. Hooper, Nathaniel Falconer, and Jonathan Mifflin, Jun. three of the superintendents appointed by the Board of War, in pursuance of a resolve of the 15 January last, it appears that the said superintendents are making contracts for executing the business entrusted with the said commissioners, contrary to the intentions of Congress expressed in their said resolutions: and whereas, it also appears by the aforesaid letter, that the above named superintendents, without any authority, in direct violation of the laws of Pensylvania, and contrary to the instructions given by the Board of War, have presumed to fix and ascertain the prices of several other articles wanted in the army, much higher than fixed by law in the State, directing the quarter masters to govern themselves by such illegal rates: therefore,

Resolved, That the Board of War be directed immediately to recal and suspend the said R. L. Hooper, Nathaniel

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 87.

[2] This letter is in the *Papers of the Continental Congress*, No. 161, folio 32.

Falconer, and Jonathan Mifflin, who are required to lay before Congress their proceedings and accounts.[1]

On motion, That the Committee for Foreign Affairs be directed to write to the commissioners at Paris, and direct them, upon the application of the executive powers of any of these United States, to apply to the court of France for an extension of the leave of absence to such French officers as may be employed in the service of such State:[2]

New Hampshire,		
Mr. Frost,	no	no
Massachusetts Bay,		
Mr. Lovell,	ay	*
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Dyer,	no	div.
Huntington,	ay	
New Jersey,		
Mr. Witherspoon,	ay	no
Clark,	no	
Scudder.	no	
Pennsylvania,		
Mr. Roberdeau.	ay	ay
J. Smith.	ay	
Clingan,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Forbes,	ay	ay
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	*
North Carolina,		
Mr. Penn,	ay	ay
South Carolina,		
Mr. Laurens,	ay	ay
Georgia,		
Mr. Langworthy.	ay	ay
Wood,	ay	

So it was resolved in the affirmative.

A petition from Joseph White was read:

Resolved, That four members be added to the Committee on Appeals:

The members chosen, Mr. [Thomas] M'Kean, Mr. [Samuel] Huntington, Mr. [John] Henry, and Mr. [James] Smith.

[1] This report, in the writing of Nathaniel Scudder, is in the *Papers of the Continental Congress*, No. 27, folio 77.

[2] This motion, with the vote, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 27, folio 79.

Ordered, That the foregoing petition be referred to the Committee on Appeals.

A petition from Peter Shultz, Francis Jones, and others, was read:

Ordered, That it be referred to the commissioners of claims, at the Board of Treasury.

The committee to whom the letter of 9th, from General Washington, was referred brought in a report, which was taken into consideration: Whereupon, Congress passed the following:

Whereas, doubts have arisen in the mind of General Washington, to whom the one month's extra pay allowed to the army under his immediate command, by the resolutions of Congress of the 29 of December last, should be confined:

Resolved, That the General be directed to order the same to be paid to all the continental forces under his immediate command at the time of passing the said resolution, whether in camp, hospitals, or on furlough, excepting all such as were then absent, without leave regularly obtained, or who had abused the indulgence granted them.

Congress took into consideration a report of the Board of War, of the 22d July last, to whom was referred the letter of the 8 of the same month, from Brigadier General R. Howe; Whereupon,

Resolved, That Brigadier General Robert Howe's appointment of Henry Purcell, to be deputy judge advocate general for the states of South Carolina and Georgia, be confirmed.

That Brigadier General Robert Howe's appointment of Mr. Nicholas Eveleigh to be deputy adjutant general for the states of South Carolina and Georgia, be confirmed.

A letter, of 31 January, from Governor Caswell, of North Carolina, was read:[1]

[1] This letter is in the *Papers of the Continental Congress*, No. 59, I, folio 77.

Ordered, That it be referred to Mr. [Francis Lightfoot] Lee and Mr. [James] Lovell.

A letter, of the 8, from General Washington, with sundry letters, which passed between him and General Howe, was read:[1]

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [Elbridge] Gerry, Mr. [Thomas] M'Kean, and Mr. [William] Ellery.

Resolved, That to morrow be assigned for taking into consideration the letters from the committee ||at camp,|| respecting recruiting the army.

Mr. [Francis] Lewis, one of the delegates from the State of New York, laid before Congress an account of moneys expended by that State for the support of prisoners, with the vouchers:

Ordered, That the same be referred to the Board of Treasury.

Congress took into consideration the report of the committee on the state of Georgia; and after debate,

Ordered, That the farther consideration thereof be postponed.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 18, 1778

A letter, of the 18, and one of the 19 January, from General Heath, at Boston, with a letter to him from General Burgoyne, and General Heath's answer; and a letter of the 2d February from Brigadiers General Poor and Paterson, were read.[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 287.

[2] The letters of Heath are in the *Papers of the Continental Congress*, No. 157, folios 63 and 81; that of Poor and Paterson is in No. 163, folio 518.

A letter, of the 17th, from the Board of War, was read; Whereupon,

||*Resolved*,|| That it be recommended to the governor and council of the State of Maryland, to embody a sufficient number of militia for the guarding the prisoners to be stationed at Fort Frederick, in that State; and that they also be requested immediately to appoint a commissary to purchase and supply the said militia with provisions during their service at that post:

That Mons. de Pontière be appointed a captain of horse by brevet, and that Mons. de Ponceaux, secretary to the Baron Steuben, have the brevet rank of a captain in the army of the United States:[1]

That Congress approve the proceedings of the Board of War with respect to Baron Steuben.

Another letter from the Board of War, with a letter from Thomas Wharton, Esq. president of the State of Pensylvania, and sundry other papers inclosed, was read:

Ordered, That the same be referred to Mr. [Thomas] M'Kean, and the delegates of Pensylvania.

Resolved, That Governor Clinton be authorized and requested to superintend the business of obstructing, fortifying, and securing the passes of the North or Hudson's river, agreeable to the resolutions of the 5th of November last, and to employ the militia of the State of New York, and to call upon the states of Massachusetts bay and Connecticut, for such parts of their militia as he may think necessary, and those states can spare, for executing this important business:

That the commanding officer at Peeks Kill be ordered and directed to furnish Governor Clinton with money from the military chest, and to give him every assistance

[1] This letter is in the *Papers of the Continental Congress*, No. 147, I, folio 525.

in his power in forwarding and perfecting the business committed to him:

That a warrant issue on the commissioner of the loan office in the State of New York, in favor of Governor Clinton, for 50,000 dollars, towards defraying the charge of the business intrusted to him.

Resolved, That the warrant of the 3 February for 200,000 dollars, in favour of the Board of War, be paid to Joseph Nourse, pay master to the Board of War and Ordnance, to be applied to the purpose of purchasing provisions for the use of the grand army.

The commissioners of claims report,

That they have examined the accounts of Mr. Thomas Butler, amounting to 6,801 74/90 dollars, together with 800 dollars accounted with Colonel Flower, making in the whole, 7,601 74/90 dollars; that he has received of James Mease, Esq. 800 dollars; of John Gibson, Esq. 6,600 dollars; and for two vises 28 24/90 dollars; and after deducting sundry errors and over charges, there is a balance of 87 20/90 dollars due to him:[1]

Ordered, That the said balance be paid.

The commissioners farther report,

That there is due to Colonel Michael Swoope, for his pay from 22 September, 1776, to 7 February, 1778, a balance of 976 10/90 dollars:

Ordered, That the said account be paid.

A letter, from General Mifflin, of 18, directed to the Board of War, being laid before Congress:

Ordered, That the same, together with the papers relating to the quarter master's department, be referred to the Board of Treasury.

Adjourned to 10 o'Clock to Morrow.

[1] This report in the *Papers of the Continental Congress*, No. 136, II, folio 85.

THURSDAY, FEBRUARY 19, 1778

A letter, of the 18, from the Board of War, with one enclosed from Cornelius Sweers, deputy commissary general of military stores, ||was read:||

Ordered, That the same be referred to the Board of Treasury.

Resolved, That General Mifflin be directed to attend immediately the Board of War, and that he order the several deputies and agents under him in the department of the quarter master general to proceed vigorously in executing the business of that department, without attending to the settlement of their respective accounts, until the department is properly arranged, and they can attend to the settlement of their accounts without detriment to the public cause.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That the following warrants issue in favour of Major General Thomas Mifflin, quarter master general, for the use of his department, and for which he is to be accountable, viz.

One warrant on the treasurer for two hundred and fifty thousand dollars, to be transmitted him by Joseph Nourse, Esqr.

One warrant on Thomas Smith, Esqr. commissioner of the continental loan office for the State of Pensylvania, for one hundred and fifty thousand dollars.

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the Board of War and Ordnance, for the sum of fifty thousand dollars, to be applied by the said Board for the use of the

commissary general of military stores department; the said pay master to be accountable:[1]

Ordered, That a warrant issue on the treasurer in favour of Thomas Hughes, pay master to the 7 Virginia regiment, for 9,630 dollars, it being in discharge of the draught of W. Palfrey, pay master general, for that sum, in favour of the said Hughes, on the president, dated at camp, 12 instant, the said pay master general to be accountable:

That a warrant issue on Thomas Smith, Esq[r] commissioner of the continental loan office in the State of Pensylvania, in favour of Brigadier General David Forman, for 10,000 dollars, for which he is to be accountable, and that the deputy commissary general of purchases of the middle district be furnished with a copy of the resolve, and directed forthwith to settle the accounts of Brigadier Forman for provisions supplied by his order to the troops lately stationed at New Jersey, charging to him the amount of this grant, and reporting to the Board of Treasury the state of his accounts.[2]

The Committee on the Treasury farther reported,

That a warrant should issue on Joseph Borden, Esq. commissioner of the continental loan office for the State of New Jersey, in favour of Major General Mifflin, for 80,000 dollars, for the use of the quarter master general's department:

On the question put, the states were divided.

THREE O'CLOCK, P. M.

Congress was moved for re-considering the report from the Board of Treasury for issuing a warrant on

[1] This report, including the paragraph printed below on a grant to Mifflin, is in the *Papers of the Continental Congress*, No. 136, II, folio 91. The Mifflin paragraph is marked as "disagreed by vote."

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 89.

Joseph Borden, Esq. in favour of General Mifflin, for 80,000 dollars, ||for the use of the quarter master general's department:||

On the question put, passed in the negative.

A letter, of the 12, from Brigadier General Hand, at Fort Pitt, to the Board of War, was laid before Congress and read;[1] Whereupon,

Resolved, That Brigadier General Hand transmit to the Arkansas, so much of the provisions which were demanded of him by Captain James Willing, of the armed boat *Rattletrap*, as he can spare, and judges necessary and proper for the purpose.

Ordered, That the letter be returned to the Board of War, to do therein what they judge proper and necessary.

The committee to whom ||was referred|| the letter of the 6th, from the committee at camp, so far as relates to the prisoners of the convention, at Boston, brought in a report, which was taken into consideration; Whereupon, Congress came to the following resolutions:

Whereas Congress, for reasons set forth in their resolutions of the 8 day of January last, have determined to detain Lieutenant General Burgoyne and the troops included in the convention of Saratoga, until the said convention shall be ratified by the court of Great Britain; and it will not only be inconvenient for the said troops, but also very distressing to the inhabitants of the town of Cambridge, and parts adjacent, to have so large a body of men confined within such narrow limits, for so long a time as must necessarily elapse before the ratification of the said convention can be known; therefore,

Resolved, That the supreme executive council of the State of Massachusetts bay be authorized and requested to remove, separate and place the said troops in such

[1] This letter is in the *Papers of the Continental Congress*, No. 159, folio 402.

manner and in such parts of the said State as may be most convenient for their subsistence and security:

That General Heath be directed to carry into effect the orders of the supreme executive council of the State of Massachusetts bay, for removing, securing and providing for the said troops.

Resolved, That it be recommended to the council of the Massachusetts bay to order the continental barracks for the reception of prisoners in that State to be forthwith finished.[1]

A letter, of the 14, from the committee of Congress at camp, was read.[2]

Adjourned to 10 o'Clock to Morrow.

FRIDAY, FEBRUARY 20, 1778

The Committee of Commerce laid before Congress sundry letters and papers respecting Monsr. de Francey, which were read:

Ordered, That they be referred back to the Committee of Commerce to report thereon, and that, for this purpose, Mr. [Elbridge] Gerry and Mr. [Henry] Laurens be added to the said committee.

Three o'Clock, p. m.

Resolved, That the president send a letter by express immediately to head quarters to the committee, desiring them to send a nomination of officers by the same express proper to fill the quarter master's department, agreeably to a request of Congress already transmitted to them.

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 25, I, folio 33.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 163.

Congress took into consideration the letters from the committee of Congress at the camp, and their plan for filling up the army, and, after debate thereon,

Ordered, That the same be referred to a committee of five:

The members chosen, Mr. [Daniel] Roberdeau, Mr. [Oliver] Wolcott, Mr. [John] Penn, Mr. [James] Forbes and Mr. [Nathaniel] Scudder.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, FEBRUARY 21, 1778

It appearing, by intelligence this day received from camp, that alarming consequences are likely to ensue from a longer delay of appointing proper persons to fill the several offices in the quarter master's department:

Resolved, That the committee of Congress at the camp, in conjunction with General Washington, be authorized forthwith to make the proper appointments for the quarter master general's department.

A letter of 21, from Dr. W. Shippen, was read;[1] Whereupon,

Resolved, That a surgeon general be appointed for the hospital in the middle department, in the room of Dr. Brown, promoted; the ballots being taken,

Dr. Charles M'Knight was elected.

Whereas, the duty of the person who executes the office of secretary and pay master of the hospital in the middle department, is important and difficult:

Resolved, That the pay of the person who executes those offices in the hospital in the middle department, be augmented to three dollars a day.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 193.

The Committee on the Treasury brought in a report, which was taken into consideration; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of General Weedon, in discharge of a bill drawn by William Palfrey, Esqr pay master general, in his favour, on the President of Congress, for the sum of two thousand five hundred dollars, which is to be charged to the pay master general:

That a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the Board of War and Ordnance, for the sum of 500,000 dollars, to be by him transmitted to William Palfrey, Esqr pay master general, and for which he is to be accountable:

That a warrant issue on the treasurer for the sum of forty thousand dollars, in favour of William Shippen, Jun. director general of all the military hospitals, for the use of the middle district; for which the director is to be accountable:

That another warrant be issued on Thomas Smith, Esq. commissioner of the loan office for the State of Pensylvania, for the sum of 35,000 dollars, in favour of the said director general, for the use of the said district; for which he is to be accountable;

That a warrant issue on the treasurer, for 500,000 dollars, in favour of the delegates of Georgia, to be advanced to that State for the sole purpose of calling in the currency of the said State, that has been emitted for the support of the continental troops; this sum to include the sum of four hundred thousand dollars granted for that purpose by the resolution of 15 August last.[1]

Resolved, That the pay master general be directed to consult with General Washington on the propriety of keeping a deputy pay master at Baltimore, and if he shall

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 93.

judge such an officer unnecessary, to inform Mr. Jonathan Hudson, that the public service not requiring his farther assistance in this capacity, he is excused therefrom by Congress, and is ordered to adjust his accounts with the pay master general as soon as may be.[1]

The Committee on the Treasury report, "That they have taken into consideration the application of Baron de Holtzendorf; that by the agreement made at Paris between Mr. Deane and the Baron, it does not appear that the Baron is entitled to any sum for the defraying of his expences from and to Europe, or to any compensation on account of the loss of his equipage; that the Baron's claim, as being one of the officers accompanying Major General de Kalb to America, does not appear well founded, it being evident, from the resolves of Congress of September 8th, 1777, that those gentlemen were not employed in the service of the United States, but, in consideration of their zeal for that purpose, it was judged expedient to pay their expences; neither does it appear, on any other principles of justice, that he is entitled to the claims aforesaid;" Whereupon,

Resolved, That the sum of one thousand dollars, or such part thereof as he may require, be advanced to the Baron de Holtzendorf, to discharge the debts he may have contracted, and to enable him to return to Paris, he giving bills of exchange for the amount of any balance that may be due to the United States, in the same manner as Brigadier General de Fermoy.[2]

Resolved, That General Washington be directed to order a major general to take the command of the troops in the State of Rhode Island, in the place of Major General Spencer, resigned.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 97.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 99.

A letter from General Washington to Robert ||L.|| Hooper, Nathaniel Falconer, and Jonathan Mifflin, was laid before Congress, and read; also, an extract of a letter from Mr. [William] Duer to Mr. [Francis Lightfoot] Lee.[1]

Ordered, That copies of the same be sent by express to the executive council of Pensylvania, and that it be most earnestly recommended to them to exert the whole powers of the State in providing and forwarding to the army, by every possible means, supplies of provisions, (especially of the meat kind,) and forage, with the utmost despatch.

Resolved, That the Board of War immediately employ a suitable number of proper persons on the east side of the Susquehanna, to purchase meat and forage for the army, and to forward the same to the camp with all possible expedition, having respect to the prices fixed by the laws of the State of Pensylvania.

The Marine Committee, to whom was referred the complaint of the navy board in the middle department, against Captain Barry, report, as their opinion,

"That Captain Barry hath treated the said board, in the person of Mr. Hopkinson, one of that board, with indecency and disrespect, and that he ought, within twenty days after this resolve shall have been notified to him by the said board, make such acknowledgment as shall be satisfactory to them:"

On the question put to agree to the report,

Resolved in the affirmative.

Adjourned to 10 o'Clock on Monday.

[1] A copy of this letter is in the *Papers of the Continental Congress*, No. 152, V, folio 303.

MONDAY, FEBRUARY 23, 1778

A letter, of the 16, from Lieutenant Colonel Matthew Smith, of the 9th Pensylvania regiment,|| was read, || representing the declining state of his health, and, on that account, praying for leave to resign his commission:

Resolved, That leave be granted.

A letter, of the 22, from Brigadier James Wilkinson, was read.

A letter, of the 18, from Joseph Simons of Lancaster, was read:

Ordered, That it be referred to the executive council of Pensylvania, to do therein what they shall judge proper.

A letter, of the 9, from Southy Simpson, of Accomac ||county, in Virginia,|| was read:[1]

Ordered, That it be referred to the Board of War.

A letter from B. Harrison, Jun. deputy pay master in Virginia, with his monthly account, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of the 7, from Governor Caswell, was read, with papers enclosed, respecting Captain Folger:[2]

Ordered, That the same be referred to the committee appointed to take the examination of Captain Folger.

Sundry letters and papers being transmitted to Congress by the Board of War, the same were read:

Ordered, That the said letters and papers be referred to a committee of four, and that they be directed to collect the best information they can, relative to the irruption into Canada, and lay the same before Congress as soon as possible.

[1] The letter of Smith is in the *Papers of the Continental Congress*, No. 78, XX, folio 191; that of Wilkinson is in No. 78, XXIII, folio 456; and that of Simpson, in No. 78, XX, folio 187.

[2] This letter is in the *Papers of the Continental Congress*, No. 59, I, folio 81.

The members chosen, Mr. [Oliver] Wolcott, Mr. [Francis Lightfoot] Lee, Mr. [William] Ellery, and Mr. [Thomas] McKean.

THREE O'CLOCK, P. M.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Captain William Brown, in discharge of William Palfrey, Esq. pay master general, his draught of the 20th instant, on the President of Congress, for two thousand one hundred and thirty two dollars and seventy four ninetieths of a dollar, for which the said pay master general is to be accountable:

That another warrant issue on the treasurer in favor of Captain Richard Dorsey, for 1.361⅓ dollars, in discharge of a draught of William Palfrey, Esq., pay master general on the President of Congress, dated 20 instant, and for which said pay master is to be charged.

That a warrant issue on the treasurer in favour of the commissary general, for one hundred thousand dollars, to be by him transmitted to Henry Champion, for the purpose of purchasing cattle in Connecticut:

That a warrant issue on the treasurer in favour of Dr. Jonathan Potts, deputy director general of the middle department, for one hundred thousand dollars, for the use of his department, and for which he is to be accountable.[1]

A letter, of the 13, from Sampson Matthews, was read, informing, that Governor Henry, of Virginia, has appointed him and Colonel Samuel M'Dowell commissioners to proceed to Fort Pitt, in the stead of Samuel Washington and Gabriel Jones, Esqrs. who have declined

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 101.

that business, and that they intend to set forward on their journey on the 23 instant.[1]

A letter, of 19th, from General Washington, was read.

The Committee of Commerce laid before Congress a letter and a number of papers from Mr.||R.||Morris, which which were read:

Ordered, That they be referred to the committee to whom the affairs of Mons. Francy were committed.

Resolved, That the Board of Treasury be empowered to increase the pay of the signers of bills of credit in such way as they judge proper, provided that the sum allowed for signing and numbering 1,000 bills does not exceed 2 dollars.

The committee appointed to revise the system of the commissary of purchases, brought in a report, which was read:

Ordered, That the consideration thereof be postponed till to morrow.

A letter, of the 3d, from Governor Clinton, of New York, at Poughkeepsie, was read:[2]

Ordered, That it be referred to the Board of War.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, FEBRUARY 24, 1778

A petition from James Wilson, administrator of Samuel Allen, was read, praying that the commissioners of claims be directed to settle his account for a team of Samuel Allen employed and lost in the public service:

Ordered, That the prayer of the petition be granted.

[1] This letter is in the *Papers of the Continental Congress*, No. 56, folio 89; that of Washington, in No. 152, V, folio 307.

[2] This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 106.

Congress took into consideration the report of the committee on the system of the commissary of purchases, and after some progress made therein,

Resolved, That the farther consideration thereof be postponed to Thursday next.

The committee, to whom the letters and papers from the Board of War were referred, brought in a report, which was taken into consideration; Whereupon,

Resolved, That the Board of War instruct the Marquis de la Fayette, who is charged with an expedition or irruption into Canada, that, considering the length of the rout into that country in an inclement season, he be particularly attentive to have his men well cloathed and so supplied with provisions, as effectually to guard against any misfortune which might happen for want of these necessary articles; and, in case he shall fail of obtaining forces which he shall judge competent, or supplies sufficient for them, that he carefully attend to these contingencies and regulate his conduct according to the probability of success, without exposing his troops to any very great or very apparent hazard, and report the reasons of his conduct to the Board.

A letter, of the 20, from Brigadier Parsons, relative to the treatment of the Vantassels, by the enemy, was read:[1]

Ordered, That it be referred to the committee appointed to enquire into the conduct of the enemy, in regard to the prisoners who have fallen into their hands.[2]

Adjourned to 10 o'Clock to Morrow.

[1] This letter is in the *Papers of the Continental Congress*, No. 161, folio 331.

[2] A letter of Elisha Warner, dated Providence, January 16, 1778, was read on this day. It is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 443.

WEDNESDAY, FEBRUARY 25, 1778

The delegates of Pensylvania laid before Congress a letter signed Thomas Wharton Junr, president, dated in Council, Lancaster, February 23, 1778, requesting to be furnished with the following papers, viz.[1]

"The instructions of the Board of War to their superintendents of provisions; the plan laid down by the superintendents for the purchase, &c. of provisions; the instructions for the millers, dated the 11 January last; a letter from the superintendents to the Board of War, dated 11 February instant; a letter dated 12 February, instant signed Robert Lettis Hooper, deputy quarter mastergeneral, to the purchasers under the superintendents:"

Ordered, That the Board of War furnish the delegates of Pensylvania with copies of the above papers, or such of them as are in the office of the Board of War and Ordnance.

A letter, of the 24 January, from S. A. Otis, at Boston, was read.[2]

The committee to whom were referred the letter of the 8 instant, from General Washington, and sundry other letters which passed between him and General Howe, relative to the exchange of prisoners and other matters, brought in a report, which was read.

The committee to whom were referred the letters and papers from the committee of Congress at camp, brought in a report, which was taken into consideration, and, after some time spent thereon, the farther consideration thereof was postponed to the afternoon.

The Committee on the Treasury brought in a report; Whereupon,

[1] This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 473.
[2] This letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 285.

Ordered, That a warrant issue on the treasurer in favour of Captain Pasky, for twenty-six thousand dollars, in discharge of William Palfrey, Esqr, pay master general, his order, for that sum, on the president of Congress, dated camp, the 23 February instant in favour of Colonel E. H. Lutterlogh, deputy quarter master general, and endorsed by him to the said Pasky; the pay master general to be accountable:[1]

The commissioners of accounts at the treasury report,

That there is due to the administrators of Samuel Allen, deceased, for hire of his waggon and team from the 4 September to the 4 December, 1776, is 92 days, at 2 2/3 dollars, 245 30/90 dollars; and for the four horses, waggon, geers and cloth, which by certificates, appear to have been detained in the service after his decease, and never returned to his heirs, &c. appraised at 408 dollars, which last sum is to be charged to the account of the quarter master general; also for expences incurred on York Island, as by account and certificate, 7 62/90 dollars, amounting in the whole to 661 2/90 dollars:

That there is due to John Campbell, the sum of 1,243 30/90 dollars, for Colonel George Morgan's order on the President of Congress, in favour of Colonel William Crawford, being for provisions stored at Fort Pitt, which order is assigned over to said Campbell; the said Colonel George Morgan to be accountable:

That there is due to Simon and Campbell, the sum of 302 dollars, for arms sold to Colonel William Crawford, for the use of the 13 Virginia regiment, as per Colonel Crawford's order on the Treasury Board: the said Colonel Crawford to be accountable:[2]

Ordered, That the said accounts be paid.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 113.
[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 103.

THREE O'CLOCK, P. M.

A letter of the 7th, and one of the 14 [11], from Major General Heath, at Boston, were read, the former enclosing copies of sundry letters that passed between him and Lieutenant General Burgoyne, and a letter from Lord Napier and Lieutenant Colonel Anstruther:[1]

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [Oliver] Wolcott, Mr. [James] Lovell, and Mr. [Elbridge] Gerry.

Congress resumed the consideration of the report of the committee on the letters and papers from the committee at camp; and, after debate,

Ordered, That the farther consideration thereof be postponed till to morrow.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, FEBRUARY 26, 1778

Resolved, That it be an instruction to the captains or commanders of privateers, to annoy the enemy by all the means in their power, by land or water, taking care not to infringe or violate the laws of nations, or the laws of neutrality.

A letter of the 11th, from Lieutenant General Burgoyne, directed to the honorable Henry Laurens, president of the Congress, with three papers enclosed, were read:

Ordered, That they be referred to a committee of five:

The members chosen, Mr. [James] Lovell, Mr. [Thomas] M'Kean, Mr. [James] Smith, Mr. [Francis Lightfoot] Lee, and Mr. [Elbridge] Gerry.

[1] The letter of the 7th is in the *Papers of the Continental Congress*, No. 57, folio 145. That of the 11th is on folio 215.

General Gates sent to Congress sundry letters, among which was one of the 9, from Major General Philips, which were read:

Ordered, That the last be referred to the foregoing committee.

The Board of War sent to Congress sundry letters from the northern department, which were read,

Ordered, That they be referred to a committee of three: ||the members chosen,|| Mr. [Oliver] Wolcott. Mr. [Abraham] Clark, and Mr. [Francis] Lewis.

A letter, of the 25, from the Board of War, was read:

Ordered, That it be referred to the Board of Treasury.

Congress took into consideration the report of the committee to whom were referred the letter of the 8th, from General Washington, and the letters which passed between him and General Howe, relative to the exchange of prisoners; Whereupon Congress came to the following resolutions:

Whereas, it appears to Congress, by the copy of a letter from General Washington to General Howe, of the 10 of this month, that he has consented to the propositions of General Howe, to the following effect: "that an exchange of all prisoners now in our possession, officer for officer, soldier for soldier, and citizen for citizen, so far as number and rank will apply, be carried into execution as expeditiously as the nature of the case will admit, and without regard to any controverted point, which might prove an impediment to so desirable an end:"

And, whereas, by a resolution of Congress of the 19 December last, a release of prisoners in the power of these states cannot take place before the account of all provisions, and other necessaries, which have been supplied by the public to such prisoners, are liquidated and discharged:

And, whereas, it is the wish of Congress to accomplish the desirable purpose of exchanging the prisoners without unnecessary delay:

Resolved, That an express be sent to the several legislatures, or supreme executive authorities of the respective states, for such accounts of money, provisions, and other necessaries, which they have supplied to prisoners taken by the United States since the commencement of the war, as have not been already transmitted to Congress; that they be requested to make up the said accounts to the first day of March next, and transmit them as speedily as possible to the commissioners of claims at the Board of Treasury; that the accounts of each State from New Hampshire to Virginia, inclusively, be sent to the said commissioners on or before the 15 day of April next, and of the other states, on or before the first day of June next, and that the respective states sustain the losses which may arise from detaining such accounts longer than the time herein allowed them for rendering the same.

Resolved, That all officers in the departments of the quarter master, pay master, and cloathier general, and commissaries of provisions and prisoners, the commissioners of accounts, and other officers, who may have accounts or charges of money, provisions, or other necessaries in their respective offices, for supplies furnished the said prisoners, be directed to send such accounts to the commissioners of claims at the Board of Treasury, on or before the 15 day of April next, and that they respectively sustain the losses that may arise from a neglect hereof:

That the commissioners of claims be directed to prepare the said accounts for adjustment without delay, and that no exchange of prisoners be made until the balance due thereon to the United States is discharged.

THREE O'CLOCK, P. M.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the Committee of Commerce for twenty thousand dollars, advanced upon their application, for the purpose of loading with rice the ship *Flamand*, ordered to South Carolina; the said Committee to be accountable.[1]

A petition from Archibald Steel, deputy quarter master general for the troops at Fort Pitt, was read:

Ordered, That it be referred to the Committee of Commerce.[2]

Congress resumed the consideration of the report of the committee on the letters and papers from the Committee of Congress at camp, and thereupon came to the following resolutions:

Whereas, the well being and safety of these states require that a powerful army be early brought into the field, effectually to oppose and defeat the public enemies thereof:[3] and whereas by the actual invasion of some of the said states, and the local circumstances of others, it would be inexpedient and unreasonable to draw forth from all of them their full proportion of the continental batallions, according to the establishment heretofore settled and apportioned in Congress:

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 105.

[2] In the *Papers of the Continental Congress*, No. 147, I, folio 543, is a report of the Board of War, as follows:

"*Resolved*, That his Excellency the Commander in Chief be informed, that the intention of Congress by their order of 20 February last, referring the proceedings of the Court martial on Colonel Steel, to him, was that he should finally determine thereon, or direct such farther proceedings as he should think necessary." The members present were [Jesse] Root, Pickering and Peters. It is without date.

[3] The original report added: "and as experience hath fully proved the impracticability of recruiting an army in due season by voluntary enlistments, and it has therefore become indispensably necessary to accomplish the same by drafts from the militia of the several States;"

Resolved, That the several states hereafter named be required forthwith to fill up by drafts from their militia, [or in any other way that shall be effectual,][1] their respective batallions of continental troops, according to the following arrangement, viz.

New Hampshire	3	Pensylvania	10
Massachusetts bay	15	Delaware	1
Rhode Island and Providence Plantations	1	Maryland [including the German batallion.][2]	8
Connecticut	8	Virginia	15
New York	5	North Carolina	9
New Jersey	4		

That all persons drafted, shall serve in the continental batallions of their respective states for the space of nine months, from the time they shall respectively appear at the several places of rendezvous hereafter mentioned, unless sooner discharged:

That it be recommended to the several states to appoint officers to superintend the making and forwarding the said drafts, and to direct such superintendents to procure complete lists of the men drafted, with a description of their persons, their age, stature, the places of their abode, and the regiment and company from which they shall have been drafted, and to forward the same to the commissioners hereafter mentioned, who shall transmit an exact copy thereof to the Commander in Chief.

And to the end, the commissioners may be enabled the better to execute their business, and the men drafted as aforesaid, may be sent to the said places of rendezvous with the greater safety and expedition:

Resolved, That it be recommended to the several states to require their several militia officers, by whom any men

[1] Added by Henry Laurens. [2] Inserted by Charles Thomson.

shall have been drafted, to deliver to the said superintendents such descriptive lists of the men by them respectively drafted for the purpose aforesaid; and further, to direct the said superintendents to make similar lists of the men by them, from time to time, sent to the said places of rendezvous, and take receipts for such men upon the said lists from such officers as they shall appoint to conduct them as aforesaid, and forward copies of such lists and receipts to the said commissioners:

That it be recommended to each of the said states to appoint one or more commissioners, to reside at the said places of rendezvous, for the purpose of receiving the drafts of their respective states, and delivering them over to the continental officers, who may be appointed by the Commander in Chief, there to receive them; and further, to direct their respective commissioners to give receipts for such drafted men as shall be delivered to them, and make out such descriptive lists, as aforesaid, of the men by them, from time to time, delivered over to such continental officers, and take receipts thereon from them, and transmit copies of such lists and receipts to the Commander in Chief:

That it be recommended to the several states to make provision for their drafted men upon their march to the said places of rendezvous, and that the states be allowed, for such subsistence, one twenty-fourth part of a dollar per mile for each man actually marching to the said places of rendezvous, and no more.

Resolved, That all the drafts from the New England states shall rendezvous at Fish Kill, on Hudson's river; those of New York, at Easton, in the State of Pensylvania; those of New Jersey, Pensylvania, Delaware, and Maryland, at camp; those of Virginia, at Alexandria and

Sheppard's town, in the same State; and those of North Carolina, at Pittsylvania court house and Petersburgh, in Virginia; unless otherwise directed by the Commander in Chief.

Resolved, That every person drafted as aforesaid, who shall supply himself with a good firelock and bayonet, a cartouch box, haversack, or blanket, and shall, at the expiration of the term of his service, produce, to the proper pay master, a certificate from his captain, or other commanding officer of his company, that he hath been constantly provided therewith, shall receive, for the use of his firelock, bayonet, and cartouch box, two dollars, and for the use of his blanket, four dollars, and in a like proportion for any or either of them. And in case any of the said articles shall be lost or rendered useless in the service, without the negligence or fault of the proprietor, he shall be paid the value thereof.

Agreed to be expunged.

Resolved, That it be earnestly recommended to the several States to forbear giving any public bounty whatever to the men who shall be drafted from the respective militia in pursuance of the foregoing resolutions.

Resolved, That on the First Day of October next, an exact return shall be made to Congress of the deficiencies of men in the Continental army, to the end, that such deficiencies may be supplied (by an equitable draft from the militia of the several States) according to the proportions heretofore established in Congress, and such other circumstances as may arise in the course of the campaign.

Resolved, That all persons, in whatever way procured, for supplying the deficiencies in the continental batallions, unless inlisted for three years, or during the war, be considered as drafts; and that it be recommended to the several states to exert themselves to procure recruits for their respective continental batallions by inlistments for three years, or during the war, and that the drafts from

the respective states be discharged in proportion as such recruits from the said states shall join the army.

And, whereas, experience hath proved that no confidence can be placed in prisoners of war or deserters from the enemy, who inlist into the continental army; but many losses and great mischiefs have frequently happened by them; therefore,

Resolved, That no prisoners of war or deserters from the enemy be inlisted, drafted, or returned to serve in the continental army.[1]

Ordered, That the Board of War instruct and direct the commissary general of prisoners to appoint proper persons to examine all officers and any of the privates of the United States, that shall be hereafter exchanged, and take such of their depositions as may be necessary to ascertain the treatment our prisoners in the hands of the enemy have received during their captivity, and report the same to Congress.

A letter, of the 8, from General Schuyler at Albany, one, of the 20th, from the committee of Congress at camp, were read:[2]

Ordered, That they be referred to the Board of War.

Adjourned to 10 o'Clock to Morrow.

[1] The original report added "any Convicts except such as have served out their times in the Continental Army, or such as have families or considerable property in any of the States." This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 33, folio 113.

[2] The letter of Schuyler is in the *Papers of the Continental Congress*, No. 153, III, folio 276; that of the committee to camp is in No. 33, folio 171.

FRIDAY, FEBRUARY 27, 1778

A letter, of the 10, from Major General Putnam, at West Point, Hudson's river,|| was read:[1]||

Ordered, That it be referred to the Board of War.

The Board of War, having made a report, the same was read and debated; and, thereupon, Congress came to the following resolutions:

Whereas, a few deluded inhabitants of these states, prompted thereto by arts of the enemy, have associated together, for the purpose of seizing and secretly conveying to places in possession of the British forces, such of the loyal citizens, officers, and soldiers of these states, as may fall into their power; and being assisted by parties furnished by the enemy, have, in several instances, carried their nefarious designs into execution; and such practices being contrary to their allegiance as subjects, and repugnant to the rules of war:[2]

Resolved, That whatever inhabitants of these states shall kill or seize, or take any loyal citizen or citizens thereof, and convey him, her, or them, to any place within the power of the enemy, or shall enter into any combination for such purpose, or attempt to carry the same into execution, or hath assisted or shall assist therein; or shall, by giving intelligence, acting as a guide, or in any other manner whatever, aid the enemy in the perpetration thereof, he shall suffer death by the judgment of a court martial, as a traitor, assassin, and spy, if the offence be committed within seventy miles of the head quarters of

[1] This letter is in the *Papers of the Continental Congress*, No. 159, folio 121.

[2] The original report continued: "reprobated too by even British Commanders, when they supposed they were intended against themselves or their adherents."

the grand or other armies of these states, where a general officer commands.

||In passing the above resolution the yeas and nays were required, and are as follows:||

New Hampshire,		
Mr. Frost,	ay	ay
Massachusetts bay,		
Mr. Gerry,	ay	*
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Dyer,	ay	no
Wolcott,	no	
Huntington,	no	
New York,		
Mr. Lewis,	ay	*
New Jersey,		
Mr. Clark,	no	div.
Scudder,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
J. B. Smith,	no	
James Smith,	ay	
Clingan,	ay	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Forbes,	ay	ay
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
Harvie,	ay	
North Carolina,		
Mr. Penn,	ay	ay
South Carolina,		
Mr. Laurens,	ay	ay
Georgia,		
Mr. Langworthy,	ay	ay
Wood,	ay	

And, whereas, small parties of the enemy, encouraged by the evil dispositions of some of the inhabitants of these states, may make excursions into the country for the purposes above mentioned, or others not warranted by the custom of war:

Ordered, That General Washington determine and publish, in such way as he shall deem proper, the number under which no party of the enemy shall be suffered to go beyond their lines, on pain, if taken, of being treated as marauders and punished with death.

Resolved, That a company of bakers be raised, to bake bread for the army; the company to consist of

One director, who shall have	50	dollars a month	and 3	rations a day.
Three sub-directors, at	40	do.	2	do.
Twelve foremen,	30	do.	1	do.
Sixty bakers,	24	do.	1	do.

That the company be inlisted for one year from the day of their inlistment, and be subject to the rules and articles of war.

That each foreman and baker have the same cloathing as is allowed to non-commissioned officers in the continental service:

That the Board of War be directed to appoint the director and sub-directors, and cause the company to be raised and set to work with the utmost despatch.[1]

A letter, of the 4, from Governor Livingston, of New Jersey, at Lebanon Valley, was read.[2]

Ordered, That it be referred to the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Archibald Steel, deputy quarter master general, for 30,000 dollars, advanced him upon application of the Board of War, for the use of the quarter master general's department in the western district; Major General Mifflin, quarter master, to be accountable.[3]

A letter, of the 26, from the Board of War, was read:[4]

Ordered, That it be referred to a committee of three:

[1] This report, dated February 26, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, I, folio 533.

[2] This letter is in the *Papers of the Continental Congress*, No. 68, folio 329.

[3] From lines by Thomson on the back of a report from the Board of War the vote on this proposition was 8 ayes and 1 no. The Treasury report is in the *Papers of the Continental Congress*, No. 136, II, folio 107.

[4] This letter is in the *Papers of the Continental Congress*, No. 147, I, folio 529.

The members chosen, Mr. [John] Harvie, Mr. [Elbridge] Gerry and Mr. [Abraham] Clark.

Resolved, That a committee of three be appointed to prepare a recommendation to the United States, to set apart a day of fasting, humiliation and prayer:

The members chosen, Mr. [Daniel] Roberdeau, Mr. [Samuel] Huntington and Mr. [Nathaniel] Scudder.

THREE O'CLOCK, P. M.

Congress resumed the consideration of the report of the committee on the system of the commissary of purchases, and after some progress made therein,

Resolved, That the farther consideration thereof be postponed till to morrow.[1]

||Adjourned to 10 o'Clock to Morrow.||

SATURDAY, FEBRUARY 28, 1778

A letter, of the 27, from R. R. Wilford, aid-de-camp of Lieutenant General Burgoyne, was read:

Ordered, That it be referred to the committee on the letter from Lieutenant General Burgoyne.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the Marine Committee, for five thousand dollars, to be transmitted to Nathaniel Shaw, Esq. continental agent in Connecticut:

That a warrant issue on John Lawrence, Esq. commissioner of the continental loan office in the State of

[1] A letter from the committee at camp, dated February 24, was read on this day. It is in the *Papers of the Continental Congress*, No. 33, folio 185.

Connecticut, in favour of the Marine Committee, for thirty-five thousand dollars, to be transmitted to the said Nathaniel Shaw, for which two sums the said Committee is to be accountable.[1]

A report from the Board of War was laid before Congress and read, and the same being taken into consideration and debated,

Ordered, That it be referred to a committee of four:

The members, Mr. [John] Harvie, Mr. [William] Ellery, Mr. [Thomas] M'Kean and Mr. [Abraham] Clark.

Resolved, That the warrant on the commissioner of the loan office of the State of New Jersey, of the 24 January last, in favour of his excellency Governor Livingston, for ten thousand dollars, be paid in preference to any other warrant previously issued on the said commissioner, and that the money be applied to the purpose of paying the premiums for apprehending deserters, as well as of recruiting the continental batallions raised by the said State:

Ordered, That a warrant issue on the treasurer in favour of the delegates of New Jersey, for 5,000 dollars, to be by them transmitted to Governor Livingston, for the purposes mentioned in the preceding resolve; he to be accountable.

~~A letter, without date, from the Baron Holtzendorf was read.~~

~~Ordered, That he have leave to withdraw it.~~

A petition and remonstrance from the justices and field officers of the county of Northampton, in Virginia, in behalf of themselves and the inhabitants of the said county, was read:[2]

Ordered, That it be referred to the Board of War.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 111.

[2] This petition is in the *Papers of the Continental Congress*, No. 43, folio 209.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of William Buchanan, commissary general of purchases, for 12,000 dollars, for the use of the middle district of his department; he to be accountable:

That a warrant issue on the treasurer in favour of the delegates of the State of North Carolina, for three thousand five hundred dollars, advanced upon the application of John Penn, Esq[r]; the said State to be accountable.[1]

Adjourned to 10 o'Clock on Monday.

MONDAY, MARCH 2, 1778

A letter, of the 28 February, from Richard R. Wilford, aid-de-camp of Lieutenant General Burgoyne, enclosing a list of officers who were exchanged by General Gates at Albany, and for whom General Burgoyne requires passports, was read:[2]

Ordered, That the said letter with the list be referred to the Board of War.

A letter, of the first, was read from R. R. Wilford,[3] enclosing another letter from Lieutenant General Burgoyne, in which he observes, that "altho' he informed the President that the contents of the enclosed letter was dependent upon the resolutions the Congress might come to with regard to the first letter delivered, yet as this only concerns Lieutenant General Burgoyne and his family, he conceives it may not be improper to lay it before Congress now, as the Congress will consider them, either together or separately, as they see just, and it will also serve to prevent any delays that may arise by his keeping

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 109.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 461.

[3] This letter is in the *Papers of the Continental Congress*, No. 57, folio 183.

this back, until their determination with respect to the other is known:"

The letter enclosed from Lieutenant General Burgoyne, dated Cambridge, February 11, 1778, and directed as the other of the same date, was read:[1]

Ordered, That this letter be referred to the committee on the former letter from General Burgoyne.

A letter, of the 25 February, from the committee at camp, was read, proposing a new arrangement of the quarter master's department, and recommending proper persons to execute the business of the said department:[2]

Congress taking into consideration the arrangement proposed by the committee,

Resolved, That the same be adopted, instead of that agreed on the 5 day of February, and that there be one quarter master general, and two assistant quarter masters general:

That these three be allowed, for their trouble and expence, one per cent. upon the monies issued in the department, to be divided as they shall agree, and including an addition to the pay of the waggon master general and his deputy:

That Major General Greene be appointed quarter master general:

That John Cox and Charles Pettit, Esqrs. be appointed assistant quarter masters general:

That the forage masters, waggon masters, and other officers in the department, be in the appointment of the quarter master general, who is to be responsible for their conduct.

Resolved, That Major General Greene retain his rank of major general in the army.

[1] Two letters of this date from Burgoyne are in the *Papers of the Continental Congress*, No. 57, folios 177 and 207.

[2] This letter is in the *Papers of the Continental Congress*, No. 33, folio 197.

Resolved, That Major General Mifflin, late quarter master general, be directed to make out immediately and transmit to Congress and to Major General Greene, quarter master general, a state of the preparations for the next campaign in the quarter master general's department, specifying what articles are in readiness, where deposited, where engaged and in what quantities; and that he deliver or cause the same to be delivered to Major General Greene, Q. M. G., or his order.

Whereas, Dr. Parke and [ ] Morton, both of the city of Philadelphia, the former son-in-law and the latter step-son of James Pemberton, have presumed to undertake a journey from Philadelphia to Winchester, without calling at head quarters, or obtaining permission from any lawful authority:

Resolved, That the Board of War be directed to cause the said Parke and Morton to be apprehended and confined in prison till farther orders.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of William Mountjoy, pay master to the 3d Virginia regiment, for 6,500 dollars, in discharge of the order of William Palfrey, Esqr pay master general, on the President of Congress, in favour of the said Mountjoy, for that sum, dated camp, 23 February; the said pay master general to be accountable.[1]

In consequence of an adjustment by the commissioners of claims, the assistant auditor general reports,

That there is due to the Colonel Kermovan, for 1,308 rations, the sum of 102 54/90 dollars:[2]

Ordered, That the said account be paid.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 117.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 115.

Resolved, That Major General Gates be requested to lodge among the papers of Congress, in the secretary's office, the original letter of General Burgoyne to him, dated "Public house, at Cambridge, November 14, 1777."

The Board of War, to whom the petition and remonstrance from the justices and field officers of the county of Northampton, in Virginia, in behalf of themselves and the inhabitants of the said county, was referred, report,

"That the circumstances attending the counties of Accomac and Northampton, in the State of Virginia, are such as to render them peculiarly subject to the depredations of the enemy, and that there being also therein a large quantity of continental property, imported from foreign parts, and no guards regularly established for the protection thereof until removal, it is expedient, that the men raised by draft or otherwise, in the said counties, as part of the Virginia quota of troops, be ordered to remain in the said counties, subject to the order of Governor Henry and the council of Virginia, who are requested to embody them under proper officers who will attend to their government and discipline, and employ them in protecting the property of the United States, or in other military services until the farther order of Congress or the Board of War; and that the memorial of sundry inhabitants of the said counties, on the subject of these drafts, be sent to Governor Henry, to be laid before the assembly of that State for their consideration, and that they be requested to take measures for the safeguard and protection of the said counties in case the said drafts shall be ordered to join the army."[1]

Resolved, That Congress agree to the foregoing report.

The committee to whom were referred the letters from

[1] This report, dated February 28, and in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 537.

General Heath, brought in a report, which was read; Whereupon,

Resolved, That the president write to General Heath, and inform him that it was by no means the intention of Congress that General Burgoyne should be prevented from communicating to Lord Howe, or the commanding officer of the British ships in the harbour of Newport, the intelligence of the act of Congress detaining the troops of the convention of Saratoga, until it shall be ratified by the court of Great Britain:

That General Heath be directed to permit Lieutenant Colonel Anstruther, of the 62 British regiment, ~~and Lord Napier, lieutenant of the 31 regiment~~ to go on his parole to Rhode Island, in order to negotiate an exchange for himself; provided, that if Colonel Ethan Allen shall not have been exchanged for Lieutenant Colonel Campbell, no exchange but Colonel Ethan Allen shall be accepted for Colonel Anstruther.[1]

Whereas, it is essential to the operations of the army during the next campaign, that the most vigorous measures should forthwith be adopted for forming a body of horse, upon such principles as are most likely to advance the public interest and the honor of the officers and men who compose the same; and whereas, in times of public danger, when the lives, liberties, and property of a free people are threatened by a foreign and barbarous enemy, it is the duty of those, who enjoy in a peculiar degree the gifts of fortune, and of a cultivated understanding, to stand forth in a disinterested manner in defence of their country, and by a laudable example to rouse and animate their countrymen to deeds worthy of their brave ancestors, and of the sacred cause of freedom:

[1] This report, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 19, III, folio 113.

Resolved, That it be earnestly recommended to the young gentlemen of property and spirit, in the states of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pensylvania, Delaware, Maryland, Virginia and North Carolina, forthwith to constitute, within their respective states, a troop or troops of light cavalry, to serve at their own expence (except in the article of provisions for themselves and forage for their horses,) until the 31 December next:

That each troop, so to be raised, consist of not less than twenty, nor more than 60 rank and file; that they have a right to choose their own officers, who shall receive continental commissions; and that they rendezvous at the main army on the first day of May next, or at an earlier period if possible:

That, in order to excite a proper spirit of emulation in these troops, and to give them an opportunity of appropriating that fame which their respective merits may entitle them to, during the campaign, each troop shall bear the name of the State in which it is raised:

That these troops, when raised, shall not serve as expresses, except in time of action, nor as escorts to the persons of any general, except that of the commander of the army with whom they serve. unless with their own choice:

That Whenever any Vacancies shall happen in any of the Battalions of Horse rais'd on the Continental Establishment which cannot be supplied by the Commissioned Officers of such Battalion, where the Vacancy shall happen, the same shall be supplied from one of the Troops above mentioned by such Person, as shall be nominated by the Troop, to whom the Offer of such vacancy shall be given; and to prevent all Suspicion of Partiality in this Respect, the Offer of [the first] Vacant Commission shall be given to the Troops which shall first arrive at the Place of Rendezvous. of the second to the next. and so Progressively.

Resolved, That it be recommended to the Government of the respective States to Countenance and Encourage this Design That every horse which shall be killed and every horse and accoutrements which shall be taken by the Enemy in action shall be paid for by the United States, the value to be ascertained under the direction of the Commander in chief, and that all booty taken from the Enemy shall belong to the troop by whom it shall be taken in equal share and divided and that the Board of War transmit to them forthwith Copies of the foregoing Resolutions, together with a descriptive List of the Accoutrements necessary for Man, and Horse.

That every horse which shall be killed, and every horse and all arms and accoutrements, which shall be taken by the enemy in action, shall be paid for by the United States; the value to be ascertained under the direction of the Commander in Chief; and all booty taken from the enemy shall belong to the troop by whom it shall be taken.

The Proposer of this Plan can assure Congress from his own Knowledge that the State of Pensilvania, and one or two other States will immediately adopt it and from the Spirit of Emulation, which the different States have always shewn in Matters that tended to bring their Public Spirit to a Test, there is no Room to doubt but it will meet with general Success.

Feby 20th, 1777. [1778?]

P. S. Should Congress adopt this Plan the sooner it is published in the Papers the better, as Numbers of Young Men of Spirit will immediately set about Equipping themselves in the different States.[1]

Resolved, That it be recommended to the governments of the respective states to countenance and encourage this design; and that the Board of War transmit to them forthwith, copies of the foregoing resolutions, together with a descriptive list of the accoutrements necessary for man and horse.

[1] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 60, folio 363. On folio 365, in the same writing, is an essay on "An expeditious and cheap mode for forming a body of light cavalry for the service of the next campaign."

The committee to whom the letter from Lieutenant General Burgoyne to the president of Congress, dated the 11 February, with the papers enclosed, was referred, report,

"That they have carefully perused and duly considered the letter and papers, and are of opinion that nothing therein contained, is sufficient to induce Congress to recede from their resolves of the 8th day of January last, respecting the convention of Saratoga:" Whereupon,

Resolved, That Congress agree to the said report.

~~That they have taken into particular Consideration the new Proposition that the Officers of the Army under General Burgoyne should join their Signature to his for a further Pledge of Faith; and, without calling the Honor of the said General or his Officers in Question, your Committee are of Opinion that the present Situation of Himself and his Officers operates so strongly against a Reliance upon the Proposition made, that Congress cannot safely close with it; especially considering the Light in which the Court of Great Britain affects to view the good People of the United States of America.~~[1]

~~The committee to whom the letters from General Heath were referred, brought in a report; Whereupon,~~

~~Resolved, That the president write to General Heath, and inform him that it was by no means the intention of Congress that General Burgoyne should be prevented from communicating to Lord Howe or the commanding officer of the British ships in the harbour of Newport the intelligence~~

The committee to whom were referred the letters and papers from the Board of War, respecting the northern department, brought in a report, which was taken into consideration, and thereupon Congress came to the following resolution:

Whereas it appears from authentic accounts that diffi-

[1] This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 19, 1, folio 447.

culties attend the prosecution of the irruption ordered to be made into Canada under the conduct of the Marquis de la Fayette, which render the attempt not only hazardous in a high degree but extremely imprudent;

Resolved, That the Board of War instruct the Marquis de la Fayette to suspend for the present the intended irruption, and at the same time, inform him that Congress entertain a high sense of his prudence, activity and zeal, and that they are fully persuaded nothing has, or would have been wanting on his part, or on the part of the officers who accompanied him, to give the expedition the utmost possible effect.

Ordered, That a warrant issue on the treasurer in favour of Mr. Joseph Nourse, pay master of the Board of War and Ordnance, for 500,000 dollars, to be by him transmitted to Jonathan Trumbull, Jun. deputy pay master general, for the use of his department, he to be accountable.

Ordered, That the letters and papers aforesaid ||respecting the northern department,|| be referred back to the Board of War, who are directed to order such disposition of the troops in the northern department as they judge most effectual to secure the important passes on Hudson's river, and the posts and countries to the northward.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MARCH 3, 1778

Resolved, That a member from Connecticut be added to the Marine Committee:

The member chosen, Mr. [Samuel] Huntington.

A letter from R. Harris to William Buchanan, respecting salt, was ||laid before Congress, and|| read:[1]

Ordered, That it be referred to the Board of War.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 285.

The committee to whom was referred the letter, No. 2, from Lieutenant General Burgoyne, February 11th, with a paper enclosed, brought in a report, which was taken into consideration; Whereupon,

Resolved, That Lieutenant General Burgoyne, on account of his ill state of health, have leave to embark for England by Rhode Island, or any more expeditious route, with the officers of his family and his servants; that General Heath furnish the necessary passports, accepting a parole from Lieutenant General Burgoyne, Lieutenant Colonel Kingston, and Dr. Wood, "that should the embarkation of the troops of the convention of Saratoga be by any means prolonged beyond the time apprehended, those officers will return to America, upon demand and due notice given, and will re-deliver themselves into the power of Congress, unless regularly exchanged."

Resolved, That Captain Willoe, of the 8th regiment, be furnished with a passport to return to Canada, by way of Halifax, in Nova Scotia, under the restriction of the parole given by the Canadian troops in the convention of Saratoga, till he shall be regularly exchanged.

Resolved, That it is not expedient to grant the passports requested by General Burgoyne, for Captain Vigors, of the 29 regiment, Lieutenant Wheat of the 20th, or Lieutenant Bibby, of the 24th.

The committee also report, upon the letter which was referred to them from Lieutenant Wilford, aid-de-camp to General Burgoyne, That Lieutenant Wilford be permitted to deliver to the Board of War duplicates of the papers by him presented to Congress, and that the Board be directed to forward them to General Washington, to be transmitted by a flag to General Howe, without delay, but that Lieutenant Wilford be not permitted personally to convey the duplicates either to General Washington or General Howe:

Resolved, That Congress agree to the reports of the committee.

Mr. [John] Harvie laid before Congress an extract of a letter from one of the committee at camp, relative to the purchase of provisions for the army:

Ordered, That it be referred to a committee of five:

The members chosen, Mr. [Eliphalet] Dyer, Mr. J[onathan] B[ayard] Smith, Mr. [Thomas] M'Kean, Mr. [Abraham] Clark, and Mr. [John] Harvie.

Resolved, That General Heath be directed to acquaint Lord Napier, and any other officer who may apply for liberty to go within the enemy's posts, to negociate a personal exchange, that Congress do not think it expedient to continue to grant passports for that purpose, as such exchanges may be effected in the customary way.

Adjourned to ||10 o'Clock|| to Morrow.

WEDNESDAY, MARCH 4, 1778

The commissioners of claims report,

That there is due to Moses Young, for his services as clerk in the secretary's office, from the 21 July, 1777, to the 28 August following, the sum of 52 dollars:[1]

Ordered, That the said account be paid.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Joseph Nourse, pay master to the Board of War and Ordnance, for one hundred thousand dollars, to be by him transmitted to Hugh Hughes, deputy quarter master general at Peeks Kill, for the use of the quarter master general's department; Major General Mifflin, late Q. M. G., to be accountable:

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 119.

Ordered, That a warrant issue on the treasurer in favour of the honble John Harvie, for 70 17/90 dollars, being the amount of his expences as one of the commitee from Congress to head quarters.

Ordered, That a warrant issue on the treasurer in favour of the honble John Harvie for 1,800 dollars advanced upon his application; for which the State of Virginia is to be accountable.[1]

A letter, of the 10 February, from Jeremiah Wadsworth to General Mifflin, also a letter of the 21 February, from H. Hughes to A. Butler, were laid before Congress, and read:

Ordered, That they be referred to the Board of Treasury.

The Board of War, to whom was referred the letter of the 20 February, from the committee at camp, having made a report thereon, Congress took the same into consideration; Whereupon,

War Office, *March 2d, 1778.*

Present: M. Genl Gates, Mr Peters, Col^o Pickering

Agreed to report to Congress:

The Board have considered the representation of the Honbl^e Committee of Congress at Camp, respecting the employing 400 Indians with the grand army. Altho' the Board would have doubted the expediency of the measure, from the great difficulty and expense which will attend the raising them, and still greater in employing them to advantage, and satisfying their demands, Yet seeing those Gentlemen have fully discussed the matter with General Washington, and upon the maturest deliberation recommend it: As Genl Washington too, who is perfectly acquainted with the manners of the Indians, and the embarrassments they create in an army, yet judges these will be outweighed by their services, and appears very desirous that the measure should be adopted by Congress, the Board cannot but concur therein.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 121.

[2] This report is in the *Papers of the Continental Congress*, No. 33, folio 203.

Resolved, That General Washington be empowered, if he thinks it prudent and proper, to employ in the service of the United States a body of Indians, not exceeding 400; and that it be left to him to pursue such measures as he judges best for procuring them, and to employ them, when procured, in such way as will annoy the enemy without suffering them to injure those who are friends to the cause of America.

The Board of War to whom was referred the letters and papers relative to the defence of the posts on Hudson's river, and the obstructions and works to be made and erected under the direction of Governor Clinton, having made a report thereon, the same was read; Whereupon,

Resolved, That the regulation of the wages of artificers not inlisted into the continental service, be left to Governor Clinton's discretion:

That the eight iron field-cannon mounted, and the twenty-three not mounted, with the sixty-six pieces of different calibres, brought and bringing from Ticonderoga, be subject to the orders of Governor Clinton, for the defence of the passes of Hudson's river:

That the governor be assisted by the artificers in Albany or elsewhere on that river, in stocking the guns, and that he have authority to purchase all other necessary cannon for the defence of the passes on the said river, wherever the same can be procured.

Resolved, That the cloathier general be directed to send an assistant cloathier to be stationed with the continental army on the North river, to superintend the procuring and distribution of cloathing, and, in the mean time, that the commanding officer take such order as to the cloathing the troops and artificers as exigencies require:

That the issuing commissary of the army stationed on

or in the vicinity of Hudson's river, for the defence thereof, have authority, with the concurrence of the commanding officer, to draw for supplies of provisions on the purchasing commissaries in the eastern or northern department, as exigencies and the position of the troops may, from time to time, require, taking especial care not to interfere with any supplies coming forward to, or intended for the grand army.

Resolved, That the other parts of the report be referred back to the Board of War, that they may give such orders thereon as they judge necessary and proper respecting the plans of the forts and batteries, and other matters incidental thereto; and also give such directions to Colonel Radière as the good of the service requires, agreeable to the rules established in the army.

The Board of War having sent a letter from A. Butler at Reading, directed to them, which was read,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MARCH 5, 1778

Resolved, That the continental agents in North Carolina and South Carolina be respectively directed, on the application of Colonel Kermovan, to allow him a free passage to France, in any continental vessel that may offer from either of the ports.[1]

A letter, of the 4th, from the Board of War, with a letter of the 27 from Governor Johnson, of Maryland, was read:[2]

Ordered, That it be referred to a committee of three: ||the members chosen,|| Mr. [James] Forbes, Mr. [John] Harvie, and Mr. [Elbridge] Gerry.

[1] A letter from Kermovan, dated March 11, in consequence of this resolve, is in the *Papers of the Continental Congress*, No. 41, V, folio 5.

[2] The letter of the Board of War is in the *Papers of the Continental Congress*, No. 147, I, folio 545.

The Committee on the Treasury, to whom ||was referred|| a letter of the 25 February, from the Board of War and Ordnance, relative to the allowance of clerks for the said office, report, "that considering the unavoidable expences of the officers attending Congress, and that capable and confidential persons should be obtained for the purpose, they are of opinion,

"That seventy-five dollars a month be allowed to the clerks in the secretary's office; the same to the first clerks in the offices of the Board of Treasury, of War and Ordnance, and the Marine Board; and that sixty-five dollars a month be allowed to second clerks in the said offices:

"That Belcher P. Smith and John Thaxter, clerks in the secretary's office, receive the pay of seventy-five dollars from the 6th of February last:"[1]

Resolved, That Congress agree to the said report.

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That two millions of dollars be emitted under the direction of the Treasury Board, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on 16 February last, be numbered from the last number of each respective denomination of that emission progressively, and consist of the following denominations, viz.

30,768	of the denomination of	3	dollars each,	92,304
30,768	do	4	do	123,072
30,768	do	5	do	153,840
30,768	do	6	do	184,608
30,768	do	7	do	215,376
30,770	do	8	do	246,160
30,770	do	2	do	61,540
30,770	do	30	do	923,100
				2,000,000

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 123.

That all powers and duties of Michael Hillegas, Esq[r] and of the inspectors of the press, signers, and printers of the emission directed on the tenth of May last, shall extend to the said two millions now to be emitted, subject, however, to such directions and instructions as the Board of Treasury may judge expedient.[1]

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the Board of War and Ordnance, for fifty thousand dollars, to be transmitted by him to Hugh Hughes, deputy quarter master general at Fish Kill, for the use of the quarter master general's department; Major General Mifflin, late quarter master general, to be accountable:

Resolved, That a warrant issue on Derick Ten Broek, Esq., Commissioner of the Continental Loan Office for the State of New York, in favor of Hugh Hughes, Deputy Quarter Master General at Fish Kill, for one hundred thousand Dollars for the use of the quarter master general's Department, Major General Mifflin, late quarter master general, to be accountable.[2]

Ordered, That a warrant issue on the treasurer in favour of William Palfrey, pay master general, for one hundred and forty-nine thousand five hundred and one and thirty-ninetieths dollars, for the use of his department; and for which he is to be accountable:

Ordered, That a warrant issue on the treasurer in favour of the delegates of South Carolina, for twenty thousand two hundred and forty-six dollars, advanced upon the application of the honble Henry Laurens, to discharge two bills drawn by his excellency John Rutledge, president of South Carolina; the said State to be accountable:

Ordered, That a warrant issue on John Lawrence, commissioner of the continental loan office, State of Connecticut, for seventy-five thousand dollars, in favour of

[1] This report is in the *Papers of the Continental Congress*, No. 136, 11, folio 125.

[2] This paragraph in the manuscript is checked as having passed, but it was not entered by Thomson in the journals.

Jeremiah Wadsworth, deputy quarter master general, for the use of the quarter master general's department; Major General Mifflin, late quarter master general, to be accountable:[1]

FOUR O'CLOCK, P. M.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the delegates of the State of Maryland, for ten thousand dollars, to be transmitted to his excellency the governor and executive council of the said State, for the purpose of paying the bounty of troops to be raised in that State for continental service, and for paying the premiums for taking up deserters from the army; the said governor and council to be accountable.[2]

The committee to whom were referred sundry letters received by the Committee of Commerce, brought in a report, which was read:

Ordered, That the consideration thereof be postponed till Monday next.

Resolved, That the Marine Committee be instructed and directed, to revise the commission and instructions heretofore ordered to be given to the commanders of privateers and letters of marque and reprisal, and the resolutions heretofore passed, relative to captures by sea, and report such a form of a commission, and such instructions, as they judge proper and suitable to our present circumstances.

A letter, of 27 February, from General Washington, with an extract of a letter from General Putnam at West Point, February 13, were read.[3]

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 125a.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 129.

[3] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 311.

FRIDAY, MARCH 6, 1778

Ordered, That so much of General Washington's letter of 27 February, as relates to the court martial on the officers in the northern department, be referred to a committee of four:

The members chosen, Mr. [William] Ellery, Mr. James Smith, Mr. [Eliphalet] Dyer and Mr. [James] Lovell:

Ordered, That such parts of the letter as relate to the 13 Virginia regiment, and the ordering Colonel Harrison's regiment of artillery to camp, be referred to the Board of War.

A letter, of the 3d, from James Wilkinson, was read,[1] wherein he mentions his being informed that the mark of distinction conferred on him by Congress has occasioned a dissatisfaction in the army; and expresses himself as follows: "To obviate any embarrassment which may result from this disposition, by the consequent resignation of officers of merit, I beg leave to relinquish my brevet (of brigadier,) as I wish to hold no commission unless I can wear it to the honour and advantage of my country. This conduct, however repugnant to *fashionable* ambition, I find consistent with those principles on which I early drew my sword in the present contest:" Whereupon,

Resolved, That his resignation be accepted.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Colonel William Buchanan, commissary general of purchases, for 26,000 dollars, for the use of his department; he to be accountable.[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 469.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 133.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to Mr. Thomas Paine, for his services as secretary to the Committee of Foreign Affairs, from the 17 April, 1777, to the 17 February 1778, is 10 months, at 70 dollars per month, 700 dollars:[1]

Ordered, That the said account be paid.

A letter, of the 2, from the committee of Congress at camp, was read:[2]

Ordered, That it be referred to the Board of War.

FOUR O'CLOCK P. M.

A letter, of the 1, from the committee of Congress at camp, was read:[3]

Ordered, That it be referred to the Board of War.

A memorial from Thomas Leaming, of Cape May, New Jersey, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of the 3, from the committee of Congress at camp, enclosing a plan for the establishment of a corps of engineers. One, of the 19 February, from General Heath, at Boston, ||were read.[4]||

A memorial from Robert Morris, in behalf of the owners of the privateer *Phœnix*, relative to a Portuguese vessel captured by the said privateer, was read:[5]

Ordered, That it be referred to a committee of five:

The members chosen, Mr. [James] Lovell, Mr. [Abraham] Clark, Mr. [William] Ellery, Mr. [Samuel] Huntington and Mr. [James] Forbes.

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 131.

[2] This letter is in the *Papers of the Continental Congress*, No. 33, folio 201.

[3] This letter is in the *Papers of the Continental Congress*, No. 33, folio 221.

[4] The letter from the committee at camp is in the *Papers of the Continental Congress*, No. 33, folio 229.

[5] This memorial is in the *Papers of the Continental Congress*, No. 44, folio 49.

SATURDAY, MARCH 7, 1778

A letter, of the 10 January last, from Colonel William Cook, of the 12 Pensylvania regiment, was read, praying for leave to resign his commission:

Resolved, That his resignation be accepted.

The Board of War laid before Congress the following instructions to Colonel Nathaniel Gist:

March 6, 1778.

Sir: You, being designated by his excellency General Washington, to go with a talk to the Indian nations, on the borders of Virginia and the Carolinas, with a view to secure them in the interest of these states, are hereby authorized and empowered to proceed therewith, and to engage in the service of these states, for the next campaign, any number of Indians, not exceeding two hundred, also fifty of the inhabitants of the countries bordering on the Indian settlements, to serve with them, under officers whom they shall choose with your approbation; selecting for this service, as far as possible, such men as understand the Indian languages: but besides these, you are to engage so many interpreters as you shall judge necessary, not exceeding one to every fifty Indians; these interpreters should be men proper to go with the Indians upon any military services in which they shall be employed; and engaged on the best terms in your power, to serve as long as the Indians remain in service. As an encouragement to the inhabitants to inlist, and to enable them to equip themselves for the campaign, you are to give each non-commissioned officer and soldier, a bounty of twenty dollars: they are to be inlisted to serve six months after their arrival in camp; and during their time of service, which is to commence five days before they march from home, the officers and soldiers shall receive the same pay and rations as officers of the like ranks and soldiers in the continental army. And you are authorized to engage to the Indians, who shall enter into the service of these states, a proper supply of provisions, and such allowances, in goods and necessaries, as shall be in the power of the states to furnish, and their bravery and services shall merit.

To enable you to conduct this business with more despatch and advantage, and in order to supply the Indians and others whom you

shall engage, with provisions and other necessaries, you are to get an assistant on the best terms you can. That you may accomplish this business with the greater ease and certainty, the agents from the different states, residing in the Indian countries for the managing of Indian affairs, are desired and directed to give you all possible assistance.

In order to fulfil your promises to, and satisfy the reasonable expectations of the seventeen Indians employed last summer on the eastern shore of Maryland, you are hereby empowered to purchase and deliver to each of them, such articles of cloathing, &c. as you shall judge indispensably necessary.

You will receive herewith five thousand dollars, for defraying the expences which you shall necessarily incur in the prosecution of the business above committed to you. You are to keep an account of your expenditures of money, and as far as may be, get proper vouchers for the same.

Resolved, That Congress agree to the said instructions.

The committee appointed to prepare a recommendation to the several states, for setting apart a day of fasting, humiliation, and prayer, brought in the same; which was read and agreed to as follows:

Whereas, Almighty God, in the righteous dispensation of his providence, hath permitted the continuation of a cruel and desolating war in our land; and it being at all times the duty of a people to acknowledge God in all his ways, and more especially to humble themselves before him when evident tokens of his displeasure are manifested; to acknowledge his righteous government; confess, and forsake their evil ways; and implore his mercy:

Resolved, That it be recommended to the United States of America to set apart Wednesday, the 22d day of April next, to be observed as a day of fasting, humiliation, and prayer; that at one time, and with one voice, the inhabitants may acknowledge the righteous dispensations of Divine Providence, and confess their iniquities and transgressions, for which the land mourneth; that they may implore the mercy and forgiveness of God; and beseech him that vice, prophaneness, extortion, and every evil, may be done away; and that we may be a reformed and happy people; that they may unite in humble and earnest supplication, that it may please Almighty God, to guard and

defend us against our enemies, and give vigour and success to our military operations by sea and land; that it may please him to bless the civil rulers and people, strengthen and perpetuate our union, and, in his own good time, establish us in the peaceable enjoyment of our rights and liberties; that it may please him to bless our schools and seminaries of learning, and make them nurseries of true piety, virtue and useful knowledge; that it may please him to cause the earth to yield its increase, and to crown the year with his goodness.

And it is recommended to the inhabitants of the United States to abstain, on that day, from labour and recreations.

Resolved, That the Commander in Chief, or commander of a department, shall have full power and authority to suspend or limit the power of granting furloughs or leave of absence, and to reserve it wholly to himself, or impart it to such officer or officers, under him, as he thinks fit, according as he shall judge the good of the service requires; and that no officer, under colour or pretence of authority, to him granted, by the 2d article of the 4th section, or any other article, in the rules and articles of war, presume to grant any furlough, or leave of absence, contrary to the orders of the Commander in Chief, or commander of a department, on pain of being punished for disobedience.

The Medical Committee report, "That they have carefully examined and considered the several allegations and testimonies for, and against, Dr. William Rickman, deputy director general in the southern department; that, notwithstanding, it appears the North Carolina and Virginia troops, inoculated by the said Dr. Rickman at Alexandria, suffered, in general, more in the course of the disease than is usual, and that a number of them did die; yet, as the committee are convinced that it was impracticable for the director to obtain, in season, a variety of articles for their due accommodation in the hospitals, as many of them were badly cloathed, and all

had, immediately before the operation, undergone a long and fatiguing march at a season of the year when putrid diseases generally prevail most; as from a regular return it appears that most of those who were lost, died of a putrid fever; as the director really had not sufficient assistance, and lastly, as one of the assistants, of the name of Parker, who was employed from the necessity of the case, appears to have greatly abused the confidence and trust reposed in him by the director; whence a great part of the evils complained of by the patients may have arisen; the committee are of opinion, that Dr. Rickman ought to be acquitted of the charges exhibited against him; that the resolution of the 20th day of December last, for his suspension, be repealed, and that Dr. Rickman be directed to repair immediately to his department, and resume the exercise of his duty there:"[1] Whereupon,

Resolved, That Congress agree to the report of the committee.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Dr. William Rickman, for one hundred and forty dollars, in discharge of Governor Caswell's draught on the treasurer, dated North Carolina, the 11 June last, in favour of Arell, Copper & Arell, for that sum, it being for the hire of horses, carriages, and other necessaries furnished to Colonel Derford and his party on their journey from that State to Philadelphia; the said Colonel Derford to be accountable:

That a warrant issue on the treasurer in favour of the president, Henry Laurens, Esq. for 2,147 60/ 90 dollars, being the balance of his account of money advanced to a

[1] This report, in the writing of Nathan Brownson(?), is in the *Papers of the Continental Congress*, No. 19, V, folio 249.

number of expresses, and a further sum of 2,000 dollars, advanced for the pay of expresses and other contingent expences; for which sum he is to be accountable.

The Board of Treasury report, that they have considered the memorial of Thomas Leaming referred to them, and are of opinion, that the said memorial be referred to his excellency the governor and supreme executive council of the State of New Jersey, and that they be requested to ascertain the quantity of salt taken by the assistant commissary of the United States, or lost in consequence of the seizure, and the sum that ought to be allowed for the same; and that Ephraim Blaine, Esq. deputy commissary general of purchases, be directed to pay Mr. Leaming the amount of the said salt, upon his producing a certificate from the governor and council aforesaid, specifying the sum to be paid:[1]

Resolved, That Congress agree to the report of the committee.

The President laid before Congress sundry bills of exchange, drawn by the late William Kennon, on J. Hancock, Esq. president of Congress, and moved that an order pass for the payment of the same:

Resolved, That the consideration of this matter be postponed to Wednesday next, and that the Board of Treasury report thereon.

Adjourned to 10 o'Clock on Monday.

MONDAY, MARCH 9, 1778

A letter, of the 3, from the council of Pensylvania, was read:[2]

Ordered, That it be referred to the Board of War.

[1]This report is in the *Papers of the Continental Congress*, No. 136, II, folio 135.
[2]This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 477.

A letter, of the 20th February, from Brigadier Parsons, at West Point, with the proceedings of a court martial on the trial of Thomas Doyle, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Francis Lightfoot] Lee, Mr. [Abraham] Clark and Mr. James Smith.

A letter of 4 February, from the Board of War, of Boston, was read:[1]

Ordered, That it be referred to the committee on Governor Johnson's letter.

A letter, of the 1, from Jonathan Trumbull, Jun. deputy pay master general, northern department, with an estimate of cash wanted for that department, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 24 February, from Colonel W. Aylett, and one, of the 28 February, from Colonel Champion, both directed to W. Buchanan, Esq. commissary general of purchases, were laid before Congress, and read:

Ordered, That the letter from Colonel Aylett be referred to the Board of Treasury; and the letter from Colonel Champion be referred to a committee of three:

The members chosen, Mr. [Oliver] Wolcott, Mr. James Smith and Mr. [John] Harvie.

A letter, [from] John Lawrance, Esq. judge advocate general, to James Duane, Esq., dated camp at White Marsh, 18 November, 1777, was laid before Congress, and read:[2]

Ordered, That it be referred to the Board of Treasury.

A letter, of this date, from Paul Turquand, was read:

Ordered, That it be referred to the Board of Treasury.

[1] This letter is in the *Papers of the Continental Congress*, No. 147, I, folio 491.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 251.

FOUR O'CLOCK, P. M.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the Board of War and Ordnance, for 30,603 dollars, to be by him transmitted to his excellency the governor and council of the State of Virginia, to reimburse them that sum advanced to Alexander Rose, Esq. agreeable to the request of the Board of Treasury, by letter of the 24 January last; the said governor and council to be accountable:

Ordered, That a warrant issue on the treasurer in favour of Lieutenant Thomas Hunt, for 4,423 3/90 dollars, it being in discharge of William Palfrey, pay master general, his draft dated camp, the 4 instant, on the President of Congress, for the said sum, in favour of Captain Peter Dolliver, for the use of Colonel Jackson's regiment; the pay master general to be accountable:

Ordered, That a warrant issue on the treasurer in favour of Ananias Hudson, for 625 dollars, in discharge of John Ashe's three drafts on the treasurer, dated North Carolina, the 10 May last; one in favour of Captain Benjamin Stedman for 250 dollars, one in favour of Ensign John Williams, for 250 dollars, and the other in favour of Jahleel Smith, for 125 dollars; the State of North Carolina to be accountable.[1]

The commissioners of claims report,

That there is due to John Benezet, Esq. thirteen hundred and fifty six dollars, for his salary as a commissioner of accounts to the 8 instant, included;[2]

Ordered, That the said account be paid.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 139.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 137.

A letter, of the 2, from Matthew Irwin, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of the 2, from Captain W. Nichols, was read, praying for leave to resign his commission. One of the 9th, from Colonel Hartley, respecting the filling up his regiment. A letter from Dr. A[mmi] R [uhamah] Cutter to Mr. [George] Frost, praying for leave to resign, were read:[1]

Ordered, That Dr. Cutter have leave to resign; that the letter from Captain Nichols be referred to the Board of War; and the other ||from Colonel Hartley|| to the delegates of Pensylvnia.

Resolved, That the Committee on Foreign Affairs be directed to make a reasonable allowance to the Baron de Holtzendorf for his expences to France.

The committee to whom was referred the letter from Colonel Champion, brought in a report, which was read:

That it be Recommended to the Legislature of the State of Connecticut to suspend the Operation of their Act of Government Regulating the Price of Live Beef, untill the 15th Day of June next, or Repeal the same, as they shall judge most expedient. As Congress are informed by a Letter from Col° Champion, Purchasing Commissary of live Beef in that State, that by the Operation of said Act he is greatly impeded in procuring proper Supplies of that necessary Article for the Army.[2]

Ordered, That the consideration thereof be postponed.

Congress resumed the consideration of the report of the committee on the system of the commissary, and after progress made therein,

The Com'tee appointed to take into Consideration a letter from Govern. Morris, Esq. one of the Com'tee of this Congress now at head

[1] The letter of Nichols is in the *Papers of the Continental Congress*, No. 78, XVII. folio 37; that of Hartley is in No. 78, XI, folio 289.

[2] This report, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 19, I, folio 565. The substitute paragraph is printed under March 11, *post*.

Quarters representing the supplies Necessary to be Provided for [the] army of the United States, Beg leave to Report it as our Opinion, that the Commissary General of Purchases be directed to send his Orders to the several Deputy Commissaries of Purchases in their respective Districts, to Contract for and secure from time to time, in the most Convenient season and places for that purpose, and in the most prudent and effectual manner possible, viz: Ten thousand barrels of Fish, well pickled and saved for Use, and as many of them shad as can be procured; also Ten thousand Quintals of well cured and dried cod fish; Twenty thousand barrels of good pork, well salted and saved in the middle and Southern States, including North Carolina; and Seven thousand barrels in the Eastern States, the same to be put up in 4 lb. pieces, sixty of such pieces in a barrel as near as may be; also to Contract for and secure as soon as may be thirty thousand bushels of Peas in the middle and Southern States, and 30 thousand bushels more in the County of Albany and Tryon in the State of New York; 2 thousand bushels of Onions at Weathersfield in Connecticut; Also to contract for, secure and provide at least 10,000 beef Cattle in Maryland, Virginia and North Carolina, which are to be forwarded from time to time between this and next october, exclusive of such as may be purchased between the State of Maryland and Hudson's River; and 7,000 in like manner from the Eastern States to be forwarded to the Army in Pennsylvania between this and next fall; besides what they are to provide for the army East of Hudson's River. And the several Deputy Commissaries General of purchases to make report from time to time to the Commissary General and by him transmitted to the Board of War of their proceeding and success in their purchases, and the prospect for future supplies; and that orders be given to the Commissary General and the Deputy Commissary Generals of Issues in their several districts to take the most effectual care to preserve the barrels in which provisions are salted, and the brine and salt contained therein, and employ proper persons to clarify the brine by boiling the same, and to render as much thereof fit for use in the army as possible.[1]

That the letter of Gouverneur Morris, Esq and Report of the Com'tee thereon be referred to the Board of War, who are author-

[1] This report, in the writing of Eliphalet Dyer, is in the *Papers of the Continental Congress*, No. 21, I, folio 195. It is endorsed: "Read and part debated, and postponed, 9 March. Debated 11, postponed."

ized to carry the same or such part thereof as they may approve into Effect, and that they employ in this Business officers of the Commissary's Department, or other persons as to them may appear most expedient.[1]

Resolved, That the Board of War be directed to give the necessary orders for purchasing ten thousand head of beef cattle in the States of Maryland, Virginia and North Carolina, to be forwarded from time to time to the Army under General Washington between this and the Month of october next.[2]

That the Board of War be directed immediately to employ proper persons to purchase all the salted pork and beef Cattle, that can be procured in the States of Maryland and Virginia, on the Eastern Shores of Chesapeake Bay, giving proper instructions to such purchasers, after preparing and laying the same before Congress for their approbation.[3]

Resolved, That the Board of War be empowered to Employ proper persons to purchase in the States of Maryland, Virginia and North Carolina, Nine Thousand head of Beef Cattle for the Use of the army.[4]

Resolved, That the farther consideration thereof be postponed till to morrow morning.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MARCH 10, 1778

A letter, of this day, from John Benezet, was read, praying for leave to resign his appointment as one of the commissioners of the board of claims:

Ordered, That it be referred to the Board of Treasury.

[1] This amendment, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, on folio 199.

[2] This amendment, in the writing of John Harvie, is in the *Papers of the Continental Congress*, on folio 199½.

[3] This amendment, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, on folio 200.

[4] This amendment, in the writing of John Harvie, is in the *Papers of the Continental Congress*, on folio 200½.

A letter of the 7, from the executive council of Pensylvania,[1] was read, representing that the "Affairs of the commonwealth of Pensylvania are so circumstanced as to admit the return of the prisoners sent from that State into Virginia, without danger to the commonwealth, or to the common cause of America; that the dangerous example which their longer continuance in banishment may afford on future occasions, has already given uneasiness to some good friends to the independency of these states," and requesting, "If Congress have no other reasons for continuing them in Virginia than the council are acquainted with, that such orders may be given as shall put those people again under the direction and authority of the president and council of their State;" and desiring to be informed "whether Congress have any objection to the honble. John Penn and Benjamin Chew, Esqrs. being likewise again returned under the authority of the State:"

A letter, of the 5, from Governor Livingston, with a report from him on removing some officers in the department of the deputy quarter master and issuing commissary in Princeton, was read:[2]

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [Abraham] Clark, Mr. [William] Ellery, and Mr. [Elbridge] Gerry.

A letter, of the 6th, from William Paterson, attorney general of the State of New Jersey, ||was read,|| representing that the duties of his office prevent his accepting the appointment which Congress have been pleased to confer upon him:[3]

[1] This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 481.

[2] This letter is in the *Papers of the Continental Congress*, No. 68, folio 333. The report is on folio 337.

[3] This letter is in the *Papers of the Continental Congress*, No. 59, III, folio 7.

Ordered, That it be referred to the committee on the extract of General Washington's letter, relative to the trial of the general officers in the northern department, at the time of the evacuation of Ticonderoga and Mount Independence.

A letter, of the 5, from the committee of Congress at camp, and instructions from General Washington to Colonel Baylor, respecting the purchase of horses, arms, and accoutrements, in Virginia and North Carolina, were read:[1]

Ordered, That they be referred to the Board of Treasury.

A representation from the council and assembly of Pensylvania was read:[2]

~~Ordered, That the Board of War lay before Congress the instructions given to the superintendents and all their papers relative to that matter, and that to morrow be assigned to~~

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Abraham] Clark, Mr. [James] Lovell, and Mr. [Elbridge] Gerry.

Resolved, That the committee have power to call for papers.

FOUR O'CLOCK, P. M.

The Committee on the Treasury, brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the honble. George Frost, Esqr, for 800 dollars, to be charged to the State of New Hampshire:

That a warrant issue on the treasurer in favour of Ben-

[1] This letter is in the *Papers of the Continental Congress*, No. 33, folio 233.

[2] This representation, dated March 5, is in the *Papers of the Continental Congress*, No. 69, 1, folio 485.

jamin Mifflin, for twenty-five thousand dollars, to be transmitted to Matthew Irwin, agent for Joseph Trumbull, Esqr late commissary general, for the payment of arrears; and for which the said Joseph Trumbull is to be accountable:

That a warrant issue on the treasurer in favour of William Buchanan, Esqr commissary general, for the sum of 26,000 dollars, for the use of his department, and for which the said commissary general is to be accountable:

That a warrant issue on the commissioner of the loan office for the State of New Jersey, on the application of the Marine Committee, in favour of the navy board in the middle district, for 11,000 dollars; to be charged to the Marine Committee.[1]

The commissioners of claims, with approbation of the auditor general, report,

That there is due to the following persons, and to be paid to Peter Schultz, the sum of 548 85/90 dollars, for hauling the baggage of the York county militia, under the command of Colonel James Smith, in July, 1776, viz.

To Peter Schultz for 27 days @ 4 dollars per day and 1 37/90 for ferriage				109 37/90
Francis Jones for	23 do	do		92
Gotleib Reiger	26 do	do		104
Michael Yeasel	27 do	do	and 2 27/90	110 27/90
Philip Windermeyer	10 do	do	and 1 21/90	41 21/90
Baron Holzapple	23 do	do		92
				548 85/90

That there is due to Colonel Nathaniel Gist, two hundred and nine dollars and 47/90, a balance of his contingent account, which accrued on an embassy to the Cherokee Indians, by order of General Washington, being

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 145.

as follows, the whole of his account in Virginia currency		£387. 17. 2.	
of which he received of the treasurer of Wm Christian Esq. in Virginia, to whom he gave an order on the Board of Treasury	£75. 0. 0		
of Colonel Mason, by order on B. Harrison, deputy pay master general, in Virginia	£200. 0. 0		
	£50. 0. 0	325.	
the ballance is		62. 17. 2.	

equal to 209 47/90 dollars.

That there is due to Martin Brenise, for the amount of his account, being for attendance on Congress, from 1 December, 1777, to 1 March, 1778, at 1⅓ dollar per day, and for ringing the bell, &c. ⅔ dollar per day, 153 30/90 dollars:

That there is due to Monsr Lotbinier, a Canadian chaplain, for one month's pay, ending this day, and for 35 days rations, the sum of 52 22/90 dollars:[1]

Ordered, That the said accounts be paid.

Congress resumed the consideration of the report on the system of the commissary's department, and, after debate,

Resolved, That the two last paragraphs be re-committed.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, MARCH 11, 1778

A letter from the Board of War, enclosing a letter of the 6th, from Governor Johnson, ||of Maryland,|| and other papers, was read:[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 141.

[2] The letter of the Board of War is in the *Papers of the Continental Congress*, No. 154, I, folio 330.

Ordered, That so much of the letter from the Board of War as relates to money, be referred to the Board of Treasury: and that the letter from Governor Johnson be referred to the committee on the representation from the council and assembly of Pensylvania.

The committee to whom was referred the letter from Governor Livingston, enclosing a report of his having removed several officers and others employed in the quarter master's department at Princeton, in New Jersey, pursuant to the recommendation of Congress, of the ninth day of February last, brought in a report, which was read; Whereupon,

Resolved, That Congress highly approve the proceedings of Governor Livingston, in removing the persons mentioned in his report of the 5 instant, and that the President transmit to him the thanks of Congress for his ready compliance with their wishes, in undertaking a work so necessary to the interest of these United States, and the assurance he gives of visiting, as soon as possible, the several parts of that State, more fully to carry into execution the aforesaid resolution:

Resolved, That whatever expence may be incurred by the executive authority of any State in executing the resolution of Congress of the 9 February last, authorizing the executive powers of every State to suspend for misbehaviour, or remove as supernumerary, any officers of the staff, or other civil officers, &c. shall be duly paid upon the accounts being laid before the Board of Treasury.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer for 40,000 dollars, in favour of the president and council of

[1] This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, III, folio 585.

the State of Pensylvania, twenty thousand of which to be applied towards the recruiting service, and the remainder to pay off the militia; the said sum to be charged to the State of Pensylvania:[1]

That a warrant issue on the treasurer in favour of Colonel Baylor, of the light dragoons, for 50,000 dollars, to be by him employed in the purchase of horses, arms, and accoutrements, for the use of the army of the United States:

That another warrant issue in his favour on William Armistead, Esq. commissioner of the loan office in the State of Virginia, for 35,000 dollars, for the same purpose:

That another warrant issue in his favour on James Green, Jun. commissioner of the loan office in the State of North Carolina, for 15,000 dollars, to be employed in the same manner; for all which sums, amounting to one hundred thousand dollars, Colonel Baylor is to be accountable:

That a warrant issue on the treasurer in favour of William Buchanan, Esq. commissary general, for 200,000 dollars, to be by him transmitted to Colonel Henry Champion, for the purchase of live stock in the eastern department:

That a warrant issue on the treasurer, in favour of Joseph Nourse, pay master to the Board of War and Ordnance, for 50,000 dollars, to be by him transmitted to Doct. Isaac Forster, deputy director general of the military hospital in the eastern department, at Danbury, in Connecticut, for which the said doctor is to be accountable:

That a warrant issue on Joseph Borden, Esq[r] commissioner of the loan office in the State of New Jersey, for

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 143.

50,000 dollars, in favour of Colonel Mark Bird, on the application of General Mifflin, late quarter master general, who is to account for the same.[1]

The committee to whom was referred the letter relative to the purchase of provisions for the army, having brought in a report, the same was taken into consideration, and, after debate,

Resolved, That the farther consideration thereof be postponed ||to the afternoon.||

FOUR O'CLOCK, P. M.

Congress resumed the consideration of the report on Colonel Champion's letter; Whereupon,

Resolved, That a copy of Colonel Champion's letter of 28 February, to Colonel Buchanan, be referred to the legislature of the State of Connecticut, and that it be submitted to their wisdom to devise a remedy for the evil complained of or feared, ~~either by suspending the operation of the regulating act, as far as respects live stock for the army or by such ways and~~ in such a way, and by such means, as they shall judge most for the public interest.[2]

Resolved, That Mr. [Daniel] Roberdeau be excused from attending at the Board of Treasury, and that Mr. Jonathan B[ayard] Smith be appointed a member of the Board in his stead.

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 149.

[2] This paragraph, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 19, 1, folio 567.

THURSDAY, MARCH 12, 1778

A letter, of the 13 February, from R. T. Paine, O. Ellsworth, and H. Marchant; one, of the 20 February, from Eleazer Wales; one, of the 2 instant, from Joseph Trumbull, and one from Jonathan Trumbull, Junr with a letter enclosed from N. Appleton, were read:[1]

Ordered, That the letter from Jonathan Trumbull, with that enclosed, be referred to the Board of Treasury.

Resolved, That a committee of three be appointed to examine the correspondence between the commissary general of purchases and his deputies, respecting the supply of provisions and the returns, &c.

The members chosen, Mr. [Abraham] Clark, Mr. [John] Harvie, and Mr. [James] Forbes.

A report from the Board of War was read; Whereupon,

Resolved, That Captain William Nichols's resignation be accepted.

Resolved, That the report of the committee on the affairs of R[oderique] Hortales & Co. be re-committed.

The Committee of Commerce brought in a report; which was read:

Ordered, That it be referred to a committee of the whole.

Resolved, That to morrow the Congress be resolved into a committee of the whole to consider the foregoing report.

Resolved, That a letter be addressed by the president to the respective states, informing them, that the multiplicity and importance of the business of Congress, during

[1] The letter of Paine and others is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 171; that of Trumbull is in No. 78, XXII, folio 553; that of Wales is in No. 78, XXIII, folio 455.

the war, will require the constant attendance of at least three members from each State; that, from the want thereof, the health of members has been frequently impaired, and the public business greatly obstructed; and that Congress request their immediate attention to this as a matter of great moment.

The Marine Committee laid before Congress a copy of a proposed letter to Captain Barry, among other things empowering him to purchase, for the use of the Continent, and to fit out a vessel which he has lately taken in Delaware Bay:

Resolved, That Congress approve of the purchase being made, and that it be referred to the Marine Committee to give such directions as they judge proper respecting the naming, officering, and manning the said vessel when purchased, and the manner in which she is to be employed.

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That a warrant issue on the treasurer in favour of Colonel William Buchanan, commissary general of purchases, for one hundred and fifty thousand dollars, for the use of his department in the middle district; for which he is to be accountable.[1]

FOUR O'CLOCK, P. M.

A letter, of the 4, from George Read, Esq. president of Delaware, and one, of the 9th, from Cæsar Rodney both directed to Mr. T[homas] M'Kean, the delegate from that State, were laid before Congress and read:

Ordered, That they be referred to the Board of Treasury.

A letter, of the 19, from Mr. Colt to Mr. Buchanan, was read:

Ordered, That it be referred to the Board of War.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 151.

Congress resumed the consideration of the report on the system of the commissary of purchases, and after debate,

Resolved, That the farther consideration thereof be postponed till to morrow.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MARCH 13, 1778

A letter, from Colonel [William] Russel, of the 13 Virginia regiment, was read:

Ordered, That it be referred to the Board of War.

A petition from the inhabitants of Westmoreland, was read:[1]

Ordered, That it be referred to the Board of War.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer for 25,000 dollars, to be paid to Peter Ozeas, for the use of the barrack master general, and for which the said barrack master general is to account:

That a warrant issue on Thomas Smith, Esq. commissioner of the loan office, in the State of Pensylvania, in favour of William Buchanan, Esq. commissary general of purchases, for 200,000 dollars; and for which the said commissary general is to be accountable.[2]

The committee to whom was referred the trial and condemnation of Thomas Doyle, a soldier of Colonel S. B. Webb's batallion, for deserting to the enemy, in whose service he was made a prisoner; and the letter from Brigadier General Samuel H. Parsons, desiring to be informed

[1] The letter of Russel is in the *Papers of the Continental Congress*, No. 78, XIX, folio 227; the Westmoreland petition, dated March 12, is in No. 42, VIII, folio 171.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 155.

whether deserters from the enemy are permitted to inlist into the service of these United States, and whether, in case such are inlisted, a deserter of that character can be legally condemned and executed for desertion, report as their opinion, "that although it hath been recommended to the officers of the army of these states to refrain from inlisting deserters from the enemy, yet such being inlisted and receiving bounty and pay, are in all respects subject to the articles of war, and liable to suffer death for desertion; the rules and articles for the government of the troops raised or to be raised and kept in pay by and at the expence of the United States of America, making no distinction between the inhabitants of these states and deserters from the enemy taken into the service:"

Resolved, That Congress agree to the report of the committee.

Congress resumed the consideration of the report of the committee appointed to revise the system of the commissary's department: Whereupon,

Resolved, That a commissary general of purchases be appointed, with full powers to depute or remove any officer of his department:

That each assistant purchasing commissary shall receive the following allowances for purchasing provisions and other articles, viz.

~~Wheat, per bushel 3/90ths of a dollar~~[1] flour or meal, per cwt. 6/90th parts of a dollar; hard bread, per cwt. 8/90ths of a dollar; fresh pork, per cwt. 18/90ths of a dollar; salt pork in barrels, per cwt. 24/90ths of a dollar;[2] fresh beef, hide, and tallow, per cwt. 24/90ths of a dollar; salt beef in barrels, per cwt. 24/90ths of a dollar; salt, per bushel, 6/90ths of a dollar; molasses, per gallon,

[1] "Postponed" is written in margin.

[2] In margin is written: "Reconsidered 9 March, from 30 to 24."

3/90ths of a dollar; Hard soap, ; common soap ;[1] West India rum, per gallon, 3/90ths of a dollar; American rum or whiskey, per gallon, 3/90ths of a dollar; rice, per 100 lb 6/90ths of a dollar; meat barrels, for packing beef, pork, or fish, each, 4/90ths of a dollar; bread casks with lining hoops, each, 3/90ths of a dollar; vinegar per gallon, 3/90ths of a dollar; turnips and potatoes, per bushel, 4/90ths of a dollar; beans and peas, per bushel, 6/90ths of a dollar; pickled shad, per barrel, 12/90ths of a dollar; onions, per bushel, 5/90ths of a dollar; ~~good cabbages per hundred;~~[2]

Postponed 9 March

That each assistant purchasing Commissary shall be careful not to exceed the prices of provisions fixed by Law in any State; and whenever difficulties shall arise in obtaining supplies, he shall apply to the Legislature, or supreme Executive Authority of such State, who are requested to afford him such assistance and directions therein, as they may respectively judge necessary.

That each assistant purchasing commissary shall be allowed ten per centum on the sums which he shall save by purchasing good provisions at less prices than such as are fixed in the respective states:

That if any Assistant purchasing Commissary shall purchase provisions that are not wholesome and deliver the same to any issuing Commissary, or other person appointed to receive the same, the person so receiving the provisions shall complain thereof to any Major or Brigadier General of the United States, who shall thereupon issue his Warrant to one or more Inspectors or packers of provisions to examine it on Oath, and the fact being thus ascertained, the Articles shall be sold at public Auction under the direction of the Deputy Commissary General of purchases of the district, who shall deduct from the amount of the sale of 2 1 2 per Cent for his own trouble and per Cent for the issuing Commissary, or other person detecting the fraud, and shall deliver the residue to the Assistant purchaser who shall not be allowed to charge such provisions in the settlement of his account.

[1] "Left Blank, 9 March."

[2] The list and prices, except the last two items, are in the writing of Elbridge Gerry.

That each Deputy Commissary General of purchases shall receive on all purchases made by himself or his assistants under him, an allowance equal to the one fourth part of the whole allowance made to his assistant Commissaries, together with per Ct on all savings made by himself or such assistants.

That the Commissary General of purchases shall receive on all purchases made throughout his department, an allowance equal to one-half of the whole allowance made to the several Deputy Commissaries General of purchases, together with per Cent on all savings made as aforesaid.

That it shall be the duty of each deputy commissary general of purchases to superintend the assistant purchasers under him; see that the business of his department is properly conducted, and that full supplies of provisions are seasonably procured in his district; and that he shall be entitled to an allowance equal to one fifth part of the whole allowance made to his assistants as aforesaid.[1]

On this resolution a question was put, that the allowance to the deputy commissary general should be one fourth part.

New Hampshire,		
Mr. Frost,	no	no
Massachusetts Bay,		
Mr. Gerry,	ay	*
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Dyer,	no	no
Wolcott,	no	
New Jersey,		
Mr. Clark,	ay	ay
Scudder,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
J. B. Smith,		
Jas. Smith,	ay	
Clingan,	ay	
Maryland,		
Mr. Forbes,	ay	div.
Henry,	no	
Virginia,		
Mr. Lee,	no	no
Harvie,	no	
North Carolina,		
Mr. Burke,		
South Carolina,		
Mr. Laurens,	ay	ay

[1] This paragraph is in the writing of Elbridge Gerry.

So it passed in the negative.

The question was put on one-fifth,

Resolved in the affirmative.

Question put to agree to this part of the report as amended, ‖ the yeas and nays being required, ‖

New Hampshire,		
Mr. Frost,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	ay	*
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Dyer,	no	no
Wolcott.	no	
New Jersey,		
Mr. Clark,	ay	ay
Scudder,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
James Smith,	ay	
J. B. Smith,		
Clingan,	ay	
Maryland,		
Mr. Forbes,	ay	ay
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
Harvie,	ay	
North Carolina,		
Mr. Penn,	ay	ay
Burke,		
South Carolina,		
Mr. Laurens,	ay	ay

So it was resolved in the affirmative,

Resolved, That it shall be the duty of the commissary general of purchases to superintend all the officers of his department; to give the necessary orders to the deputy commissaries general, and see that the business in each department is properly executed, and that full supplies of provision for the armies are seasonably procured; and that he shall be entitled to an allowance equal to one-third part of the whole allowance made to his deputy commissaries general as aforesaid:[1]

That the allowances herein provided for the commissary and deputy commissaries general, and assistant commis–

[1] This paragraph is in the writing of Elbridge Gerry.

saries, shall be in lieu of all other rewards for their respective services and expences, including the pay of their clerks in purchasing provisions:

That the commissary general be directed to visit the armies and posts, and that he be subject to the orders of the Commander in Chief; and that he be excused from residing at the place where Congress sits, he keeping a clerk and office there, to which all returns shall be made, and which shall be under the inspection and direction of the Board of War:

That the commissary general, deputy commissaries general, and assistant commissaries of purchases, govern themselves in all other respects by the regulations for the commissary's system passed in Congress, the 10 day of June last, and the subsequent resolutions of the 4 day of October last, except such parts thereof as are altered by these regulations.[1]

Postponed 13 March P. M.

That the Committee at the camp, in Conjunction with General Washington, be directed, if they judge it expedient, to alter the Regulations of the Army relative to Rations, by reducing the Quantity of Animal Food, and increasing in a due Proportion the Allowance of Bread, Flour or Grain specified therein; and that no Officer be permitted to draw in Provisions more than such a Part of his Rations as the Committee and the General shall on mature Deliberation order and direct.[2]

[1] This paragraph is in the writing of Abraham Clark.

[2] This paragraph is in the writing of Elbridge Gerry. The report is in the *Papers of the Continental Congress*, No. 29, folio 103. It is indorsed: "Brought in February 23. Consideration postponed till to-morrow. P. M., 24, postponed to Thursday. Resumed, 27th February. Postponed, 5 March. Resumed 9th. Recommitted. Reported and debated 12, P. M. Motion for Commissary, negatived." The two paragraphs on the duties and allowances of the Commissary and Deputy Commissaries of Purchases, formed the report of the committee to whom the original report was recommitted. On folio 107. are the following paragraphs, in the writing of Abraham Clark:

"That there be six Deputy Commissaries general in each of the following Districts, one whereof to include the States Eastward of the State of New York; one to include the States of New York and New Jersey; one between the Rivers Delaware and Potomack below the Allegany Mountain; one between the river Potomack

Resolved, That a committee of three be appointed to report a plan for taking bonds with sufficient sureties from officers entrusted by the United States with public monies:

The members chosen, Mr. [William] Ellery, Mr. [John] Henry and Mr. [Thomas] Burke.

A report from the Board of War was read; Whereupon,

Resolved, That Colonel Harrison's regiment of artillery be, and they are hereby ordered from Virginia, to join the grand army, without the least further delay; agreeably to General Washington's request:

Resolved, That the part of the report, which relates to the 13 Virginia regiment, be postponed.

Whereas Congress have judged it proper, that the irruption ordered to be made into Canada should be suspended, and have directed the Board of War to instruct the Marquis de la Fayette to that purpose, and, whereas it appears that the service and presence of the Marquis de la Fayette, and the Baron de Kalb are necessary at the grand army,

and the State of South Carolina; *one including the States of South Carolina and Georgia*, and one on the western Frontiers beyond the Allegany Mountains.

"And whereas the government of Connecticut in behalf of the United States hath employed Henry Champion Esq. to purchase Beef Cattle in the Eastern States for the Use of the Army, and Peter Colt Esq. the Deputy Commissary General in the Eastern District hath given up that Branch of the Commissaries Business intirely to Mr Champion,

"Therefore,

"*Resolved*, That Mr Champion pursue the Business of purchasing Cattle on the Terms upon which the Government of Connecticut employed him, until further Orders of Congress—and that he make returns from Time to Time of his Proceedings to the Board of War that necessary Supplies of Cash be forwarded to him as Occasion may require; and that the Commissary General and Deputy Commissary general receive no Allowance for any purchases made by Mr Champion, as being a Business in which the Commissaries have neither Risk, Trouble or Interference.

"That each deputy Commissary general shall be entitled to receive the Pay and Allowance made by the Regulations of Congress of the day of June last, in Lieu of the Allowance hereinbefore made; if at the End of the Year it shall appear that but a small Proportion of Provisions have been required or called for in his District, and that in Consequence thereof the Allowance made by these present regulations will not amount to such former Allowance [*unfinished*]"

Resolved, That General Washington be authorised to order Major General the Marquis de la Fayette and Major General the Baron de Kalb to join the main army without delay.

Resolved, That General Washington be empowered to order Colonel Hazen's or any other regiment from the northward, if he judge it proper, to join the main army as soon as the season will admit.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, MARCH 14, 1778[1]

The Committee of Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Brigadier General Scott, for two thousand dollars, in discharge of William Palfrey, pay master general, his order, on the president of Congress, for that sum, dated General Pay Office, the 6th of March, in favour of the said Scott, and expressed to be for the use of the forces of the United States; the pay master general to be accountable:

That a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the Board of War and Ordnance, for five thousand dollars, to enable the said Board to advance that sum to Colonel Nathaniel Gist, for the purpose of recruiting Indians; the said pay master to be accountable:

That a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the Board of War and Ordnance, for ten thousand dollars, to be advanced him for the purpose of paying contingent expences and other

[1] From this point the writing is that of Belcher P. Smith.

demands of the Board of War; said pay master to be accountable:[1]

A report from the commissioners of claims was read, setting forth that they have examined the accounts of the late commissioners of claims, and find they have received from John Gibson, Esqr auditor general, at different times, the sum of two thousand five hundred and twenty dollars, which they have paid as follows, viz.

To sundry officers and soldiers belonging to different regiments of the continental army, whose times were expired, and who were taken prisoners at Fort Washington, as per receipts, 1,435 85/90 dollars;

To sundry officers and soldiers belonging to different regiments of the flying camp, taken at Fort Washington, 962 59/90 dollars;

To Michael Hillegas, Esqr continental treasurer, the balance for which he is to be accountable, 121 36/90 dollars.[2]

The Board of Treasury who were directed to examine the claims lately made by Colonel William Kennon, deceased; and the bills of exchange drawn by him on John Hancock, president of Congress, brought in a report: whereupon it was moved, That the Board of Treasury be directed to pay the said bills;

It was then previously moved whether this question shall be now put, and the yeas and nays required,

[1] This report, dated March 13, is in the *Papers of the Continental Congress*, No. 136, II, folio 157.

[2] These three paragraphs are in the writing of Charles Thomson. The report is in the *Papers of the Continental Congress*, No. 136, II, folio 159. It contains a final paragraph, as follows: "The two first of the above accounts will be charged to the Army; the last the Treasurer will be charged with."

New Hampshire,		
Mr. Frost,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	no	*
Lovell,		
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Dyer,	no	no
Wolcott,	ay	
Huntington,	no	
New Jersey,		
Mr. Clark,	ay	div
Scudder,	no	
Pennsylvania,		
Mr. Roberdeau,	no	no
Jas. Smith,	ay	
J. B. Smith,	no	
Clingan,	no	
Maryland,		
Mr. Forbes,	ay	div
Henry,	no	
Virginia,		
Mr. F. L. Lee,	ay	div
Harvie,	no	
North Carolina,		
Mr. Penn,	no	ay
Harnett,	ay	
Burke,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Georgia,		
Mr. Langworthy,	no	no

So it passed in the negative.

It was then moved, That the said report be re-committed, and the yeas and nays required,

New Hampshire,		
Mr. Frost,	no	no
Massachusetts Bay,		
Mr. Gerry,	ay	*
Lovell,		
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Dyer,	no	ay
Wolcott,	ay	
Huntington,	ay	
New Jersey,		
Mr. Clark,	no	no
Scudder,	no	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
James Smith,		
J. B. Smith,	no	
Clingan,	ay	
Maryland,		
Mr. Forbes,	no	div
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
Harvie,	ay	
North Carolina,		
Mr. Penn,		ay
Harnett,	ay	
Burke,	ay	
South Carolina,		
Mr. Laurens,	no	no
Georgia,		
Mr. Langworthy,	no	no

So it was resolved in the affirmative.

Ordered, That the bills of exchange, together with President Rutledge's letters of April, 1777, be returned to the Rev. Mr. Paul Turquand, who presented them for payment, and also a copy of Mr. Turquand's letter to Congress, if he shall desire it.

A letter of the 13 from the Board of War was read; recommending Major Mullins, aid de camp to General Conway, to have a commission of lieutenant colonel, to command in Canada only, as was ordered respecting other foreign officers lately gone to the Northward.

Whereupon, it was moved, to agree thereto, and on the question put, passed in the negative.[1]

The Board of War brought in a report, which was read.[2]

Ordered, That the consideration thereof at the request of the State of Pensylvania be postponed.

On motion,

Resolved, That John Moore, Esq[r] of the county of Albemarle, in Virginia, be appointed to act as an assistant commissary of purchases under William Aylett, Esq. deputy commissary general, for procuring live beef and pork, for the use of the army under General Washington, for so long time as the said deputy commissary general may find his services necessary, and that he be directed to conform to the rules and regulations laid down in the commissary's system, and receive the same allowance on his purchases as is thereby given to other assistant purchasers: and that he be furnished, from time to time, with money from the treasury for the above mentioned purposes.

Adjourned to 10 o'Clock on Monday.

[1] This letter is in the *Papers of the Continental Congress*, No. 147, 1, folio 551.

[2] This report is in the *Papers of the Continental Congress*, No. 147, 1, folio 553. It is dated March 14, with Gates, Peters, and Pickering present.

MONDAY, MARCH 16, 1778

Mr. [John] Banister, a delegate from Virginia, attended and took his seat.

A letter, of the 7th and 8th, from General Washington, with several inclosed papers, viz. a letter, from General Howe of the 14 February; one, of the 21st, containing depositions of Thomas Wileman, of the 17th dragoons, and Serjeant George Thompson, of the 63d regiment; a declaration, signed Thomas Franklin, agent for American prisoners in Philadelphia, and a report of Mr. Sanford, and one of the 2d March, were read.

Another letter of the 12th, from General Washington, with several inclosed papers, viz. a letter to General Howe, of the 9th; a letter from him of the 10th, and one in answer thereto of the 12th, were read:[1]

Ordered, That so much of the said letters and papers as respect the settlement of accounts relative to prisoners previous to a general exchange, as directed by resolve of Congress of the 26 February last, ~~and the complaints of General Howe of ill treatment of a late flag, be referred to the Board of War, and that the remainder be referred~~ [be referred] to a committee of 3.

The members chosen, Mr. F[rancis] L[ightfoot] Lee, Mr. [John] Henry, and Mr. [Samuel] Huntington; the remainder to the Board of War.

~~An extract of a letter from Captain Barry to General Washington; and also copies of letters from Messrs. Reed, Champion and Wadsworth, inclosed in the General's letter of the 12th, were read.~~

A letter, of the 5, from Governor Clinton, was read.

[1] Washington's letter of the 7th, with inclosures, is in the *Papers of the Continental Congress*, No. 152, V, folio 317; that of the 8th [9th] is on folio 345, and that of the 12th on folio 349.

Ordered, That this be referred to the committee on Governor Johnson's of the 6th.

One, of the 15 February, from Governor Caswell, was read.

One, of the 1st, from B. Harrison, and one, of the 27 February, from G. Wythe, Esqr were read:

Ordered, That the former be referred to the Committee of Treasury, the latter to the Marine Committee.

One, of the 15 February, from Governor Caswell directed to F. L. Lee, Esq. was read; and referred to the Board of War.

One, of the 26 February, from J. Tazewell, desiring to resign his office as continental agent in the State of Virginia, was read.[1] Whereupon,

Resolved, That his resignation be accepted, and that John Carter, Esq. be appointed in his stead.

A letter, of the 10, from E. Boudinot, Esqr commissary general of prisoners, directed to General Gates, president of the Board of War, with 3 inclosed papers, were read:

Ordered, That that part of the said letters &c. which relates to moneys be referred to the Board of Treasury, and the remainder to the Board of War.

FOUR O'CLOCK, P.M.

The Committee of Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the honble. Cornelius Harnett, Esq. for the use of Francis Brice, for two thousand five hundred dollars in discharge of John Ashe his two draughts on the treasurer, dated the 27 March, 1777, in favour of the said Brice, one for 1000 dollars, and the other for 1500 dollars, both

[1] The letter of Clinton is in the *Papers of the Continental Congress*, No. 67, II, folio 122; that of Caswell, in No. 72, folio 25; that of Wythe, in No. 78, XXIII, folio 457, and that of Tazewell in No. 78, XXII, folio 549.

expressed to be for the use of the United States; the State of North Caralina to be accountable:

That a warrant issue on the treasurer in favour of Lieutenant William Frazier, for twenty thousand dollars, to be conveyed by him to the Honble. George Read, Esq[r] president of the State of Delaware, advanced to, and for which the said State is to be accountable.[1]

A letter, of the 7, from W. Palfrey, pay master general, to the Board of Treasury, was read:

Ordered, That it be returned to the Board.

Resolved, That two members be added to the committee on the convention of committees at New Haven, in the room of Mr. [John] Witherspoon and Mr. [Thomas] M'Kean, who are absent: the members chosen, Mr. [John] Banister and Mr. [Samuel] Huntington.

Congress resumed the consideration of the report of the Board of War of the 13, relative to the 13th Virginia regiment, and, after debate,

Resolved, That the farther consideration be postponed.

Resolved, That the Board of War be directed to deliver over to the order of the president and council of Pensylvania, the prisoners sent from that State to Virginia.

Resolved, That the application, on behalf of the Honble. John Penn and Benjamin Chew, that they may be delivered over to the order of the State of Pensylvania, be referred to a committee of three, who are directed to correspond with the said State and report to Congress:

The members chosen, Mr. [Abraham] Clark, Mr. James Smith, and Mr. [John] Henry.[2]

Whereas, Congress have not received information of the measures which the several states have, from time to time, adopted, in consequence of their recommendations; and, whereas, such information, together with the con-

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 161.

[2] See *Pennsylvania Archives*, VI, 367, 389.

currence of the respective legislatures in vigorously executing the resolutions of Congress, is essentially necessary to enable them to transact the important concerns of the United States:

Resolved, That the governors and presidents of the said states be earnestly requested to transmit to Congress, as soon as possible, attested copies of the acts passed by their respective legislatures, in pursuance of recommendations of Congress, which they may have received since the 1st day of November last; and of all acts which they may hereafter pass, in consequence of future recommendations.

The committee to whom were referred sundry letters received by the Commercial Committee, relative to the claims of Messrs. Roderique Hortalez & Co., of Paris, brought in a report:

Ordered, That it be referred to a committee of the whole.

Resolved, That to morrow the Congress be resolved into a commitee of the whole to consider the foregoing report.

Congress resumed the consideration of the report of the Board of War of the 14: Whereupon,

Resolved, That one full company of foot be raised in the town of Westmoreland, on the east branch of the Susquehanna, for the defence of the said town and the settlements on the frontiers and in the neighbourhood thereof, against the Indians and other enemies of these states, the company to be inlisted to serve one year from the time of their inlisting, unless sooner discharged by Congress:

That officers be commissioned only in proportion to the number of men who shall be inlisted.

That the same pay and rations be allowed the company as to officers of the like ranks and soldiers in the continental army:

That the commissary general of purchases contract with a suitable person to supply the company with provisions:

That the company find their own arms, accoutrements, cloaths, and blankets:

That the colonel, and, in his absence, the next commanding field officer of the militia, at the said town of Westmoreland, be desired and empowered to superintend the said company, give orders relative to the station or stations it shall take for the defence of the country, and other proper military services, and to see that the officers and men faithfully perform their duty, and on failure to give notice thereof to the Board of War.[1]

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MARCH 17, 1778

The committee to whom were referred that part of General Washington's letters, of the 8 to the 14, relative to the exchange of prisoners, brought in a report: Whereupon,

Resolved, That the consideration thereof at the request of the State of Rhode Island be postponed.

The Board of Treasury brought in a report; Whereupon,

Ordered, That a warrant issue ||on the treasurer|| in favour of James Milligan, Esq[r] commissioner of claims at the treasury, for 1,279 dollars, in full of his salary to this day inclusive.[2]

Agreeable to the order of the day, Congress resolved itself into a committee of the whole, ||to consider the report on the claims of Roderique Hortales & Co. and after some time,||

[1] See *Pennsylvania Archives*, VI, 371, and under August 23, 1776, *ante*.

[2] This report is in the *Papers of the Continental Congress*, No. 136, 11, folio 163.

Mr. President left the chair.

Mr. [John] Harvie took the chair of the committee.

Mr. President resumed the chair, and Mr. [John] Harvie reported from the committee, that they have had under consideration the matters to them referred, but not having come to a conclusion, desire leave to sit again:

Resolved, That leave be granted.

FOUR O'CLOCK, P. M.

Resolved, That the Board of War be directed to appoint officers and fill up commissions for the company ordered by the resolution of yesterday, to be raised for the defence of Westmoreland and the settlements adjacent, and take every measure necessary for carrying the said resolutions into effect.

Congress resolved itself into a committee of the whole.

Mr. President left the chair.

Mr. [John] Harvie took the chair of the committee.

Mr. President resumed the chair, and Mr. [John] Harvie reported from the committee, that they have had under their farther consideration the matters to them referred, and have made some progress therein, but not having come to a conclusion, desire leave to sit again:

Resolved, That Congress will to morrow resolve itself into a committee of the whole, to take into their farther consideration the matters to them referred.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, MARCH 18, 1778

The Committee of Treasury brought in a report: Whereupon,

Ordered, That a warrant issue on Thomas Smith, Esqr. commissioner of the loan office for the State of Pensylvania, in favour of Elias Boudinot, Esqr. commissary

general of prisoners for the United States for the sum of 25,000 dollars:

That one other warrant issue on the commissioner of the loan office for the State of Massachusetts bay, in his favour, for 4,000 dollars; and that another warrant also issue on the commissioner of the loan office in the State of Connecticut, for a like sum of 4,000 dollars; all which are for the use of his department, and to be charged to his account.[1]

A memorial of Alexander Forster, in behalf of B. M'Clenaghan, and others, owners of the schooner *Liberty*, was read:[2]

Ordered, That the said memorial, together with the petition of William Bell, presented on the 10 February, and that of James Gallagher, on the 21, be referred to a committee of three: the members chosen, Mr. [Eliphalet] Dyer, Mr. [Abraham] Clark, and Mr. [Edward] Langworthy.

Resolved, That Mr. [John] Banister be added to the Committee of Treasury.

An account of Timothy Edwards, a commissioner on Indian affairs, was presented, and referred to the treasury.

Congress took into consideration the report of the committee on the General's letter of the 7 and 8, and after debate,

Resolved, That the consideration thereof be postponed ||to the afternoon.||

FOUR O'CLOCK, P. M.

The Board of Treasury brought in a report; Whereupon,

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 165.

[2] This memorial, dated March 13, is in the *Papers of the Continental Congress*, No. 41, II, folio 189.

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the Board of War and Ordnance, for 20,000 dollars, to be applied by the Board of War for the purpose of purchasing meat and hiring of waggons in Virginia, for the service of the grand army; the said pay master to be accountable:

That a warrant issue on the loan office in the State of Georgia, in favour of Joseph Clay, Esqr deputy pay master general in the said State, for 202,423 dollars, being the residue of the 300,000 dollars ordered by Congress in August last, to be sent to the State of Georgia for the military chest, that remains unappropriated, which are to be draughted by the commanding officer in the State of Georgia, for subsistence of the continental troops under his command; the said pay master to be accountable:

That a warrant issue on James Green, Jun. Esqr commissioner of the loan office in the State of North Carolina, in favour of the assembly of the said State, for 30,000 dollars; the said State to be accountable:

That a warrant issue on the treasurer for 1,200 dollars, in favour of Major Clark, one of the auditors of accounts in the army, for the purposes of purchasing a covered waggon and four horses for the use of the auditor's office in camp; Major Clark to be accountable.[1]

The Marine Committee brought in a report:

Ordered, That the consideration thereof be postponed.

A letter, of the 14, from General Washington, was read:[2] and

Ordered, To be referred to the Board of War.

A memorial of Thomas Bedwell was read:[3]

Ordered, To be referred to the Board of War.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 167.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 373.

[3] This memorial, dated March 17, is in the *Papers of the Continental Congress*, No. 41, I, folio 158.

Congress resumed the consideration of the report of the committee on General Washington's letter of the 7 and 8, continued to the 14, which, being amended, is as follows:

Whereas, by the express resolutions of Congress of the 19 of December and 26 of February last, no exchange of prisoners can take place until all accounts for support of the prisoners in our hands are liquidated, and the balance due thereon discharged: and, whereas, the time allowed to several of the states to adjust and exhibit their claims will occasion great delay; and as an exchange of prisoners hath been agreed upon between General Washington and General Howe, and it being the earnest wish of Congress to relieve, as soon as possible, the unhappy sufferers now labouring under a cruel captivity, and it appearing, by the late returns from the commissary of prisoners, that, if the present intended exchange shall take place, a sufficient number of the enemy, now in the power of the United States, will still remain to secure the payment of any balance that may be due on account of their support, and the views of Congress in the resolutions aforesaid be fully answered; therefore,

Resolved, That Gen. Washington be authorized and empowered to proceed to the exchange of such prisoners as are now in the power of the enemy, without waiting for the settlement of the accounts aforesaid; and take measures for settling a general cartel for the exchange of prisoners in future, upon such principles as may appear to him most advantageous to the United States, and agreeable to the aforementioned resolutions:

On this the question being put on the preamble of the resolution, and the first clause of the resolution, and the yeas and nays being required,

New Hampshire,		
Mr. Frost,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	no	*
Lovell,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Dyer,	ay	ay
Huntington,	ay	
New York,		
Mr. Lewis,	ay	*
New Jersey,		
Mr. Clark,	ay	ay
Scudder,	ay	
Pensylvania,		
Mr. Roberdeau,	no	div.
Jas. Smith,	ay	
J. B. Smith,	decl'd vot'g	
Clingan,	declined voting	
Maryland,		
Mr. Forbes,	ay	ay
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
Harvie,	ay	
Banister,	ay	
North Carolina		
Mr. Penn,	ay	ay
Harnett,	ay	
Burke,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Georgia,		
Mr. Langworthy,	ay	ay

So it passed in the affirmative.

The question being then put on the last clause, and the yeas and nays required;

New Hampshire,		
Mr. Frost,	ay	ay
Massachusetts Bay,		
Mr. Gerry,	ay	*
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Dyer,	ay	ay
Huntington,	ay	
N. York,		
Mr. Lewis,	ay	*
N. Jersey,		
Mr. Clark,	ay	ay
Scudder,	ay	
Pensylvania,		
Mr. Roberdeau,	ay	ay
Jas. Smith,	no	
J. B. Smith,	ay	
Clingan,	ay	
Maryland,		
Mr. Forbes,	ay	ay
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
Harvie,	ay	
Banister,	ay	

North Carolina,			*South Carolina*,		
Mr. Penn,	ay	ay	Mr. Laurens,	ay	ay
Harnett,	ay		*Georgia*,		
Burke,	ay		Mr. Langworthy,	ay	ay

So it passed in the affirmative.

The Board of Treasury brought in a report, as follows:

That they have taken into consideration a letter of the 10 instant from Mr. John Benezet, to the president of Congress, to them referred, resigning his office; and are of opinion that his resignation should be accepted; and his pay cease from the date of the letter:

That a warrant issue on the treasurer in favor of Mr. Joseph Nourse, pay master of the Board of War and Ordnance, for 25,000 dollars, to be by him transmitted to William Finnie, deputy quarter master general in Virginia, and that General Mifflin, late quarter master general, be charged with the said sum, and furnished with a copy of this resolution:

That a warrant issue on the treasurer in favour of Mr. Joseph Nourse, pay master aforesaid, for fifty thousand dollars, to be by him transmitted to Benjamin Harrison, deputy pay master general in Virginia, for the use of his department; for which he is to be accountable.[1]

Resolved, That Congress agree thereto.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MARCH 19, 1778[2]

Ordered, That the committee appointed to revise the rules for regulating the conduct of Congress in transacting business, bring in their report on Monday.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 169.

[2] The original or rough journal, extending from March 19, 1778, to May 2, 1778, is not with the *Papers of the Continental Congress*, and the reason of its absence is not known.

Ordered, That the letters of the 7, 8 and 12, with the papers enclosed, from General Washington, be delivered to the committee to whom were referred those parts relative to the general exchange of prisoners.

A letter, of 19, from J. MacPherson, was read:[1]

Ordered, To lie on the table.

A letter, of the 11, and one of the 12, from Major General the Marquis de la Fayette, were read:

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [William] Ellery, Mr. [John] Banister and Mr. [John] Henry.

FOUR O'CLOCK, P. M.

A report from a board of general officers to General Washington was read; Whereupon,

Resolved, That General Washington call in and cancel the commissions of Brigadiers Woodford, Muhlenberg, Scott and Weedon; and that new commissions be granted them; and that they rank in future agreeable to the following arrangement, Woodford, Muhlenberg, Scott, Weedon.

A letter from the Board of War was read; also a report on the letter of the 14, from General Washington:

Ordered, That the report lie on the table.

Another report from the Board of War was read; Whereupon,

Resolved, That the government of the State of Pensylvania be requested to station 500 militia, at the following places, in that State, under active and prudent officers, viz. 200 men at Easton, 100 at Bethlehem, and 200 at Reading, for the defence of the magazines of military and other stores and provisions at those places, and to keep

[1] The letter of MacPherson is in the *Papers of the Continental Congress*, No. 78, XV, folio 321.

the communication secure from any sudden incursions of the enemy, until the Board of War or General Washington shall think it expedient to discharge the said militia.

That to check any Insurrections of the disaffected, and to prevent small Parties of the Enemy traversing the State of Pennsylvania, it be recommended to the government of the said State, forthwith to deposit in the hands of the County Lieutenants of the well affected Counties of the said State, sufficient Quantities of Ammunition to be used in an Emergency.[1]

Ordered, That the remainder of the report be referred to the delegates of Pensylvania.

Another report from the Board of War was read; Whereupon,

Resolved, That it be earnestly recommended to the several states, to take the most speedy and effectual measures for raising their quotas of men, agreeably to the resolutions of the 26 February and to cause the men, so raised, or which had been raised, previous to the passing that resolve, to march to their places of rendezvous without delay, taking care that as many as possible come armed and accoutred: and, that a more certain and adequate supply of accoutrements may be provided,

Resolved, That it be recommended to each State, to appoint some suitable person or persons, to get made, with all possible despatch, as many compleat setts of accoutrements and spare bayonet sheaths as shall be sufficient for their respective quotas of troops; the cartridge boxes to be made to hold at least 29 rounds of cartridges when made up with ounce-balls, and the cover of good substantial leather, with a small cover or flap under it, that the ammunition may be most effectually guarded against rain: and to prevent impositions from the workmen, that

[1] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 559.

proper inspectors be appointed to examine and receive the accoutrements, with orders to reject such as are bad and insufficient; and that the accoutrements, so provided, be sent forward with the troops, or as soon after as possible:

That, in case in any State they have quantities of tin, instead of the cartouch boxes, an equal number of tin cartridge canisters be furnished agreeable to a pattern or description to be sent by the Board of War.

Resolved, That the farther consideration of the report be postponed.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MARCH 20, 1778

A letter, of this day, from W. Buchanan, was read:[1]

Ordered, That it be referred to the committee appointed to revise the system of the commissary's department; and that a member be added to the said committee in the room of Mr. [John] Harvie, who is absent;

The member chosen, Mr. F[rancis] L[ightfoot] Lee.

A letter, of 7, from Egbert Benson, to the delegates of the State of New York, was read.

A letter, of 15, from W. Palfrey, Esqr. pay master general, was read:

Ordered, That it be referred to the Board of Treasury.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to Allan M'Donald, Alexander M'Donald, Allan M'Donald, Reynald and Archibald M'Donald, prisoners at Fredericktown, Maryland, and their three servants, fifteen weeks' allowance, from the 20 November last to 5th instant both days included, at

[1] This letter is in the *Papers of the Continental Congress*, No. 78, II, folio 411.

3 66/90 dollars for themselves each, and one dollar for each servant, 325 dollars, which sum is to be paid to either of the M'Donald's:[1]

Ordered, That the said sum be paid.

Congress took into consideration the report of the Marine Committee; Whereupon,

Resolved, That officers of the continental navy not in actual service, be allowed their pay, but not their rations, nor the subsistence money allowed by the resolution of the 25 July, 1777:

That such officers of the navy as are or may be taken by the enemy, be allowed the pay while in the enemy's possession or under parole, and rations during their captivity, deducting therefrom such supplies, as they may, in that time, have received from the enemy.

FOUR O'CLOCK, P. M.

A letter, of the 16, from General Washington, with two papers enclosed, was read:[2]

Ordered, That the same be referred to the Board of War, who are directed to report this evening.

The committee to whom was referred the representation from the president and council of Pensylvania, brought in a report; Whereupon,

Resolved, That the supreme executive council of Pensylvania be requested to take measures, that the law lately passed in that State, for the express purpose of filling magazines for the use of the continental army, be effectually executed by the commissioners named in the said law,[3] for obtaining the 30,000 barrels of flour directed to

[1] This report, dated March 19, is in the *Papers of the Continental Congress*, No. 136, II, folio 171.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 379.

[3] The original report here inserted: "As Congress have placed great Confidence in their Exertions."

be laid up, on the east side of Susquehanna, and such other kinds of provisions as may be in their power to procure, [unless Congress shall find that quantity of flour unnecessary to be procured, and shall give orders accordingly:][1] that the commissioners who act on the west side of Susquehanna, use their endeavours to purchase and lay up such quantities of provisions, and in such places as the Board of War shall deem necessary for the use of the army in case of emergency:

That Congress conceive all cause of complaint against the instructions of the Board of War to their superintendents must now cease, as three of the said superintendents have been dismissed,[2] and it is expressly enjoined upon the others to conform to the regulations of the State in which they are, from time to time, employed:

~~That it is not the desire of Congress, that any Officer of the United States, should with impunity offend against the Laws of any particular State.~~

~~That Congress, the Board of War and the Commanders of every Army, from the nature of their charges, must necessarily have and exercise a power to order Impresses of Carriages and other Articles, in cases of extraordinary Emergency; but it is the wish of Congress that every possible attention should be paid to the Laws of States, and the Rights of Individuals.~~[3]

That the president of the State of Pensylvania be informed that whatever rate the legislature of that State has fixed for the wages of waggons, shall be paid for the waggons of that State employed in the service of the Continent since those rates were enacted:

That Major General Mifflin, late quarter master general, be directed to cause an immediate payment to be made of all wages justly due from him to the inhabitants of the

[1] These words were inserted by Henry Laurens.

[2] The original report here inserted: "for their unjustifiable practices."

[3] Against this paragraph is written: "Previous question carried."

State of Pensylvania, whose waggons have been employed by him in the continental service:

That the commissioners appointed by the law of Pensylvania to fill certain magazines for the use of the continental army, be directed to confine their purchases within the limits of their own State.[1]

A letter from Thomas Hite, of Berkley, in Virginia, to the president of the Board of War, was read:

Ordered, That it be returned to the Board of War, and that they be directed to take proper measures by writing to the deputy commissary general of purchases in that State, or to Mr. Hite, for securing the bacon mentioned in his letter.

Congress resolved itself into a committee of the whole, ||to consider farther the report of the committee on the letters relative to the claims of Roderique Hortales & Co.|| and after some time, the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had ||the same|| under their further consideration, and have come to some resolutions thereon, which he was directed to report when the house is ready to receive it:

Ordered, That it be now received, and that the consideration thereof be postponed till to morrow.

The Board of War, to whom the letter of the 16, from General Washington, was referred, having reported thereon,

Ordered, That the consideration of the report be postponed till to morrow.

Adjourned to 10 o'Clock to Morrow.

[1] This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 20, II, folio 35.

SATURDAY, MARCH 21, 1778

A letter, of the 7, from George Clymer, Esqr; one, of the 2d, from Colonel G. Morgan; one, of the 8th August, 1777, from Bernardo de Galves, governor of New Orleans; one, of the 19 November, from Francis Crurati, commandant at Illinois; also, a letter, of 17 instant, from General Washington, enclosing an extract of a letter of 7th, from Brigadier Parsons, and copies of two letters, one dated 2, and the other 27 December, from General Putnam, were read.[1]

Congress took into consideration the report of the Board of War on the General's letter; Whereupon,

Resolved, That the command of all the troops which now are, or shall be collected and stationed in the State of New York, and in the whole northern department, be vested in one general officer; that this officer have in charge all the forts, posts, and passes therein, and authority to erect and make such fortifications[2] as he, with the advice of Governor Clinton, and the general officers there, shall judge necessary for securing the same, and to execute all the powers lately given by Congress and the Board of War, relative to the defence of the North River.

That Governor Clinton be requested to yield to the said general officer all the aid in his power in erecting and making the fortifications and obstructions aforesaid:

That, for the more speedy defence of the North River, the said general officer, or, in case of his absence or sickness, the officer next in command, in the district above described, be directed forthwith to draw together, at the

[1] The letter of Clymer is in the *Papers of the Continental Congress*, No. 53, folio 93; that of Washington is in No. 152, V, folio No. 393.

[2] The original report here added "and obstructions."

Highlands, such of the troops therein as he shall deem expedient.

And as the works would be greatly expedited if most of the continental troops now at Albany were employed therein; to enable him to do this, the said general officer is hereby authorized to ask of the government of the State of New York such numbers of their militia as he shall judge necessary, to serve at Albany, for the security of the arsenal and magazines there, until the obstructions at the highlands are in such condition as to render any sudden attempt upon Albany by that pass impracticable:

That, for manning the gun boats and floating batteries built or building on the North River, the said general officer have power to engage the necessary officers and men, for such time, and on such terms, as he shall judge proper.[1]

FIVE O'CLOCK, P. M.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of William Stanton, Esqr. for 8,670 dollars, in discharge of a draught by William Palfrey, Esq. pay master general, dated 15th instant on the President, in favour of the said Stanton, for that sum, expressed to be for the use of the army of the United States; for which the pay master general is to be accountable.[2]

A petition from James Norris was read:[3]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Cornelius] Harnett, Mr. [Edward] Langworthy, and Mr. [Thomas] M'Kean.

[1] This report, dated March 20, is in the *Papers of the Continental Congress*, No. 147, I, folio 563. The members present were Gates, Pickering and Peters.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 173.

[3] This petition, dated March 9, is in the *Papers of the Continental Congress*, No. 42, V, folio 453.

Resolved, That the Board of War be directed to nominate a proper person to serve as town major in the town of York, or such other town as Congress shall sit in, and to give proper orders that all strangers arriving at or passing through such town, shall be duly examined, and report duly made touching such matters as may any way relate to the public safety; also, to order proper guards to be stationed at all the ferries on Susquehanna river, from the mouth thereof to Harris' Ferry, inclusive, and to give proper instructions to the officers commanding such guards relative to the examinations, (and arrest, if necessary) of all persons who shall attempt to cross the said river.

The committee to whom was referred the memorial of Alexander Forster, &c. report,

"That having examined the account of the said Alexander Forster, and gained the best information they were able of the prices of the salt, rum, and sugar taken or bought by the commissary for the use of the army, the latter end of October and beginning of November last, in New Jersey, they find the same to be as follows: good imported salt, [£7.10] 20 dollars per bushel; rum, [50*s*] 6 2/3d dollars per gallon; sugar, [£40.] 106 2/3d dollars per hundred; they are therefore of opinion, that the commissary or deputy commissary general of purchases should settle the account with A. Forster & Co. at the price and rate aforesaid, and allow them lawful interest after the time that payment ought to have been made; and that the flour Mr. Forster has received in payment, be estimated at the then current price:"[1]

Resolved, That Congress agree to the said report.

The committee to whom were referred the letters of the

[1] This report, in the writing of Edward Langworthy, is in the *Papers of the Continental Congress*, No. 19, II, folio 311.

11th and 12, from the Marquis de la Fayette, brought in a report; Whereupon,

Ordered, That a committee of three be appointed to prepare the draught of a letter, to be signed and sent by the President, to the marquis, in answer to the said letters:

The members chosen, Mr. F[rancis] L[ightfoot] Lee, Mr.[Thomas] Burke, and Mr. [Thomas] M'Kean.

Resolved, That the powers given to Major General M'Dougal, by General Washington, mentioned in his letter of the 16th, be confirmed by Congress:

That Colonel Van Schaick's and Colonel James Livingston's regiments be ordered to Peeks Kill:

That Governor Clinton and Governor Trumbull be requested to give every assistance in their power to General M'Dougal for perfecting the defence of the North River.

Adjourned to 10 o'Clock on Monday.

MONDAY, MARCH 23, 1778

A letter, of 28 February, from Otis & Andrews, of Boston, with sundry papers enclosed, was read:

Ordered, That it be referred to the Board of Treasury.

A letter of 16, from General Washington, was read, and also one, enclosed from Colonel Webb, requesting leave to resign his commission:

Ordered, That the General's letter be referred to the Board of War:

That Colonel Webb have leave to resign.[1]

The Board of War having transmitted to Congress the following letters, viz. one, of the 19, from Colonel Hol-

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 385; that of Charles Webb is on folio 391.

lingsworth to the Board, one, of the 18th, from the same, to Colonel Buchanan, and one of 21 February, from General Washington, to Colonel Hollingsworth; the same were read and returned to the Board:

A letter, of 18, from General Washington, with one enclosed from Brigadier Smallwood, was read.[1]

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to Samuel Downe, Esqr his pay as commissioner of accounts at Hartford, from 4 February, 1777, to 18 March, 1778, a balance of 1198 dollars:

That there is due to Timothy Edwards, Esqr his pay as commissioner for Indian affairs in the northern department, to 11 January, 1778, 460 dollars:

That there is due to John Spangler, for the transportation of the baggage of the Pensylvania militia in January, 1778, 52 dollars:

That there is due to George Pentz, for transporting the baggage of Pensylvania militia in January, 1777, 52 dollars:

That there is due to Jacob Lefever, for transporting baggage of Pensylvania militia in July, 1776, 28 dollars:

That there is due to Peter Wolf, for victualling sundry parties of Pensylvania militia, 11 86/90 dollars:

Ordered, That the said sums be paid.

The commissioners of claims report, "That they have examined the accounts of the Board of War up to the 4 February, and find a balance due by the Board to the United States of 459 75/90 dollars, which is paid to them (the commissioners) and for which they are ready to account, and are to be charged therewith."[2]

[1] These letters are in the *Papers of the Continental Congress*, No. 152, V, folios 405 and 409.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 175.

A certificate of Lieutenant Colonel Adam Hubley, in favor of Lieutenant Berwick, was read:

Ordered, That it be referred to the Board of Treasury.

FIVE O'CLOCK, P. M.

Mr. [Samuel] Chase, a delegate from Maryland, attended, and took his seat.

A letter, of the 20, from Governor Johnson, was read:

Ordered, That it be referred to the Board of Treasury.

The committee to whom was referred the petition of James Norris, brought in a report: Whereupon,

Ordered, That a warrant issue on the treasurer in favour of James Norris for 1,527 60/90 dollars, in full payment of his capture from the enemy on the 9 January, 1777, at Elizabeth town, in New Jersey, which was disposed of to the army of the United States.

Resolved, That General Conway be directed to repair to the army at Peeks Kill, now under the command of General M'Dougal, who, while he continues in that command, is authorized to draw on Jonathan Trumbull, Esqr pay master in the northern department, for money to answer such demands as relate to the army on Hudson's river.

A petition of Captain Sullivan, was read:

Ordered, That it be referred to the Board of War.

A letter, of 15, from John Baynton, was read:[1]

Ordered, That it be referred to the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the delegates of the State of Maryland, for 100,000 dollars, to be by them transmitted to the governor and coun-

[1] The petition of Sullivan, dated March 23, is in the *Papers of the Continental Congress*, No. 42, VII, folio 51.

cil of that State, for the purpose of purchasing provisions for the grand army; the said State to be accountable:[1]

That a warrant issue on the treasurer for 1100 dollars, in favour of Major General Gates; for which he is to account.

Congress took into consideration the report of the committee of the whole on the letters relative to the claims of Roderique Hortales & Co. and after debate,

Ordered, That the farther consideration thereof be postponed.

Ordered, That a warrant issue on the treasurer in favour of the Committee of Commerce, for 20,000 dollars, to be paid to Mr. de Francey, agent for Roderique Hortales & Co. alias Mons. Beaumarchais, and charged to the account of the said Roderique Hortales & Co. or Beaumarchais, and that the exchange be adjusted at the rate of 400 per cent.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MARCH 24, 1778

A letter, of 27 January, from Colonel Gansevoort, and one, of the 12 instant, from Brigadier Learned, requesting leave to resign his commission, were read:[2]

Ordered, That the letter from Colonel Gansevoort, be referred to the Board of War.

Resolved, That the resignation of Brigadier Learned be accepted.

A letter, of 23 January, from the council of Massachusetts bay, was read:

Ordered, That it be referred to the Board of War.

A letter, of the 10, and one of the 12, from Major General

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 179.

[2] The letter of Learned is in the *Papers of the Continental Congress*, No. 78, XIV, folio 203.

Heath, were read, the former enclosing copies of the following letters, viz. one of the 4th, from Captain Dalrymple to Lieutenant General Burgoyne; one of the 8th, to General Burgoyne, and General Burgoyne's answer of the 9th, and sundry letters that passed between Major General Heath and Captain Dalrymple; also a request of Lieutenant Colonel Sutherland, of the 47th regiment.[1]

Ordered, That so much of the letter of the 10th, as relates to money, be referred to the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of John Bradley, for 20,000 dollars, to be conveyed to John Baynton, Esqr. deputy pay master general for the western district; the said pay master to be accountable:

That a warrant issue on the treasurer in favour of Thomas Stuart, for 10,500 dollars, to discharge a draught of his excellency Richard Caswell, governor of North Carolina, on the treasurer, dated Newbern, 22 December, 1777, for 10,000 dollars, in favour of William Skinner, Esqr. treasurer of the northern district of the said State, expressed to be for the purpose of purchasing leather and deer-skins, agreeably to a resolve of Congress; and John Ashe's draught on the treasurer, dated 18 April last, for 500 dollars, in favour of Major Hardy Murfree, expressed to be for the use of the continental troops; the said State to be accountable.[2]

FIVE O'CLOCK, P. M.

A motion was made, that Congress sit but once a day, from nine in the morning to two in the afternoon, precisely; Whereupon, the previous question was moved, and, the same being put, passed in the affirmative.

[1]The letter of the 12th is in the *Papers of the Continental Congress*, No. 57, folio 239.
[2]This report is in the *Papers of the Continental Congress*, No. 136, II, folio 181.

The main question being then put, and the yeas and nays required,

New Hampshire,		
Mr. Frost, declined answering		
Folsom,	no	no
Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Dana, declined answering		
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Dyer,	no	no
Wolcott,	no	
New York,		
Mr. Lewis,	ay	*
New Jersey,		
Mr. Clark,	no	no
Scudder,	no	
Pennsylvania,		
Mr. Roberdeau,	no	no
James Smith,	ay	
Clingan,	no	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Chase,	ay	ay
Forbes,	ay	
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
Banister,	ay	
North Carolina,		
Mr. Harnett,	ay	ay
Burke,	ay	
South Carolina,		
Mr. Laurens, decl'd answer'g		
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, MARCH 25, 1778

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the Marine Committee for 3,000 dollars, for the purpose of defraying their contingent expences; for which they are to be accountable.[1]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 185.

Congress resumed the consideration of the report of the committee of the whole, and after debate,

Ordered, That the farther consideration thereof be postponed.

Ordered, That a warrant issue on the treasurer in favour of the Board of War, for 200,000 dollars, for public service; the said Board to be accountable.

Resolved, That a committee of three be appointed and authorized to enquire into the state of the purchases of wheat and flour, for the use of the army, made by the superintendents, the commissioners of the State of Pensylvania, and the purchasing commissaries, and report thereon:

The members chosen, Mr. James Smith, Mr. [Samuel] Chase, and Mr. [William] Ellery.

A letter from the Board of War was read.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, MARCH 26, 1778

A memorial from W. Bedlow was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of the 24 February, from the council of Massachusetts bay, respecting allowances to be made to sick and wounded soldiers, was read.[1]

A letter, of 17, from Governor Livingston, was read, informing that, as prisoners begin to pass through Princeton, and recruits soon will, he has found it necessary to appoint Mr. Thomas Stockton to be issuing commissary there, and fixed his wages at 20 dollars a month, and allowed his clerk two-thirds of a dollar per day:[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 65, I, folio 288. It is indorsed: "There are no resolutions of Congress respecting soldiers in any of the circumstances mentioned in this letter."

[2] This letter is in the *Papers of the Continental Congress*, No. 68, folio 343.

Resolved, That Congress approve the appointment.

Ordered, That the letter be referred to the Board of Treasury.

A letter, of 27 January, from Colonel Gansevoort, was read:

Ordered, That it be referred to the Board of War.

Congress resumed the consideration of the letter of the 25, from the Board of War; Whereupon,

Ordered, That it be referred to a committee of five, and that they confer with the Board of War and report specially on the subjects mentioned therein:

The members chosen, Mr. [Francis] Dana, Mr. [Samuel] Chase, Mr. [Thomas] M'Kean, Mr. [Nathaniel] Scudder and Mr. [Nathaniel] Folsom.

Congress having great reason to expect an invasion of the State of Delaware, and being apprehensive that the enemy will be assisted or joined by the disaffected there, and considering the present condition of that government, and its inability to exercise such powers as are immediately and absolutely necessary for its preservation:

Resolved, *nemine contradicente*, That Brigadier Smallwood be directed to secure the persons of Thomas White, Charles Gordon, and such other inhabitants of that State as he shall, upon good grounds, suspect to be disaffected, and whose being at large will be dangerous to the independence of these states, and to send them under guard to such safe place or places as he shall think proper.

Two of the committee lately sent to camp being returned, moved sundry resolutions respecting the army, which were read:

Resolved, That all military Officers commissioned by Congress, who now are or hereafter may be in the service of these United States, and shall continue therein to the end of this present War, shall, when not annexed to any Corps of established Troops or holding or enjoying

any Office of Profit under these United States *or any of them*, be entitled to receive annually, the one half part of the pay of officers of equal rank in the *actual* service of the said United States at the time such half pay becomes due. ~~And that such half pay~~
A ~~Officers shall at all times be subject to the regulations of Congress, and hold themselves in readiness for, and be liable to be called into actual service.~~ Provided always that no General Officer ~~not in actual service of the said United States~~ [of the Cavalry, Artillery, or Infantry][1] shall be entituled by
Agreed virtue of this resolution to receive more than the one half part of the pay of a Colonel of ~~the Corps, or like Corps of that to which he belonged, then in such actual service~~ [such Corps respectively.][1] ~~Unless Congress shall think fit to give such General Officer two Regiments in which case he shall be entitled to receive the one half part of a Colonel's pay for each Regiment so given him.~~

Resolved That all such military Commissioned Officers shall in time of Peace be authorized to dispose of their Commissions to
Agreed such persons as shall be approved in such manner and under such regulations as Congress shall order and direct.

Provided, that no purchaser of any such Commissions shall be entitled to receive halfpay upon such Commissions longer
Agreed than during the life of the original holder of such Commission.

Resolved that the Widows of all Commissioned Officers, who during the present war shall hereafter be killed in the service of the said United States, shall during their Widowhood be entitled
Agreed to receive the one part of the pay which her Husband was entitled to receive at the time of his death, by virtue of his commission, provided that such part of such pay shall not exceed the half pay which her Husband might have been entitled to receive by virtue of the foregoing resolution had he survived the War.[2]

Ordered, That the consideration thereof be postponed till to morrow.

Adjourned to 9 o'Clock to Morrow.

[1] Inserted by Henry Laurens.

[2] This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 21, folio 201. It is endorsed, "Read 26 March; postponed for 27."

FRIDAY, MARCH 27, 1778

A letter, of 20, from the Marquis de la Fayette, was read:

Ordered, That it be referred to a committee of four:

The members chosen, Mr. [William] Duer, Mr. [Thomas] M'Kean, Mr. [Samuel] Huntington, and Mr. F[rancis] L[ightfoot] Lee.

A letter, of the 26, from the council of Pensylvania, was read:

Ordered, That it be referred to the Board of Treasury.

Resolved, That the fortifications and works at Ticonderoga and Mount Independence be demolished, and that the Board of War give the necessary orders for carrying this resolution into execution.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Major John Clark, for 800 dollars, for the purpose of paying the contingent expences of the auditor's office in the army; he to be accountable.

The Board of Treasury having informed Congress that Mr. Joseph Henderson, chosen one of the auditors of accounts for the northern district, for reasons set forth in his letter to the Board, is unable to accept the appointment;

Resolved, That another commissioner be appointed, and that to morrow be assigned for that purpose.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That the commissioners have examined the accounts of Captain William Scott, for pay due to his officers and men to the end of February, 1778, and subsistence to the

19th of the same month; also recruiting expences and expences of marching to this place, amounting to 2,747 30/90 dollars, exclusive of 180 dollars which he claims for bounty paid to nine men who have absconded; of which he says he has received from Colonel Thruston 1,400 dollars, and by a warrant on the treasurer the sum of 500 dollars, which two sums deducted from the amount of his account, there remains a balance of 847 30/90 dollars:

That they have examined the accounts of Christopher Ludwig, superintendent of bakers for the continental army, amounting to 5,315 43/90 dollars, including his pay to the 3d instant, of which he has received from Mr. Stewart, commissary of issues, 400 dollars, and from Mr. Buchanan, commissary general of purchases, 3,250 dollars, which two sums being deducted from his account, there remains a balance of 1,665 43/90 dollars, including 100 dollars advanced to Michael Harvey, at Burlington; for which he is hereafter to account:

Ordered, That the said balances be paid.

Ordered, That the said report, so far as relates to Captain Scott's claim of 180 dollars, be re-committed to the Board of Treasury.

Resolved, That in case the State of Pensylvania shall grant to Colonel Thomas Hartley the State bounty for the men that may be inlisted in that State for his regiment, the State shall have credit in its quota of troops for such men.

A report from the Board of War, relative to Captain Ebenezer Sullivan, was read:

At a Board of War, *March 26, 1778*

Present. Gen. Gates, Gen Mifflin, Col Pickering, Mr Peters.

On considering the papers referred to the Board of War relative to Captain Sullivan, Agreed to report to Congress:

Resolved, That Captn Ebenezer Sullivan be allowed his pay and rations during the time he has been and shall remain a prisoner of

war; also such a sum as shall be thought reasonable to reimburse him for his expences in his journey hither on the business mentioned in his petition; and that it be referred to the Treasury Board to adjust the same.[1]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. J[ames] Smith and Mr. [Abraham] Clark.

Resolved, That the propositions moved yesterday, respecting the army, be referred to a committee of the whole Congress.

Congress was then resolved into a committee, and after some time, the President resumed the chair, and Mr. [Francis Lightfoot] Lee reported, that the committee have had under consideration the propositions referred to them, but not having come to any determination thereon, desired leave to sit again:

Resolved, That Congress, this afternoon, resolve itself into a committee of the whole, to consider farther the propositions respecting the army.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to Mr. [Nathaniel] Folsom, for his and Mr. [Francis] Dana's expences on a committee to camp, and for his expences returning, the sum of 110 57/90 dollars:[2]

Ordered, That the said account be paid.

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That the certificate of Lieutenant Colonel Hubley, of the 22 instant, representing, that Lieutenant James Berwick had performed the duty of judge advocate since the 4th day of February last, in a general court

[1] This report is in the *Papers of the Continental Congress*, No. 147, I, folio 567.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 183.

martial ordered by the Commander in Chief, in which Lieutenant Colonel Hubley was president, be referred to Major Clark and M. Clarkson, Esquires auditors in the army, who are directed to consult with General Washington and report to him a proper allowance, to be paid out of the military chest, for the services performed by the said Lieutenant Berwick.

Resolved, That John Lawrance, Esqr judge advocate general, be hereafter allowed seventy-five dollars per month, his former rations, and forage for two horses.

Resolved, That the commissioners, appointed to enquire into the causes of the miscarriage of the expedition against Newport, [exhibit their accounts to the deputy pay master general, or any of his assistants in the eastern department, who are authorized and directed to pay the same.][1]

Ordered, That a warrant issue on Derick Ten Broek, Esqr commissioner of the continental loan office in the State of New York, for 27,313 dollars, in favour of Jonathan Trumbull, Junr Esqr pay master in the northern department, for the use of his department; and for which he is to be accountable.[2]

A letter, of 24, from General Washington, with sundry papers enclosed, was read.[3]

Ordered, That the same be referred to the Board of War.

Congress was resolved into a committee, and after some time, the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their farther consideration the propositions respecting the army, but not having come to a conclusion, desire leave to sit again:

Resolved, That to morrow morning Congress be resolved

[1] The words in brackets were an amendment to the original report.

[2] This report is in the *Papers of the Continental Congress*, No. 136, 11, folio 187.

[3] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 415.

into a committee of the whole, to consider farther the propositions referred to them.

Adjourned to 9 o'Clock to Morrow.

SATURDAY, MARCH 28, 1778

A letter, of this day, from Count Pulaski, was read.[1]

Congress took into consideration a report of the 19, from the Board of War; Whereupon,

Resolved, That Count Pulaski retain his rank of brigadier in the army of the United States, and that he raise and have the command of an independent corps to consist of sixty-eight horse, and two hundred foot, the horse to be armed with lances, and the foot equipped in the manner of light infantry: the corps to be raised in such way and composed of such men as General Washington shall think expedient and proper; and if it shall be thought by General Washington that it will not be injurious to the service, that he have liberty to dispense, in this particular instance, with the resolve of Congress against inlisting deserters.[2]

A letter, of 15, from Major General Schuyler, at Albany, with a copy of the minutes of a conference held by the commissioners of Indian affairs of the northern department, with a number of Sachems and Warriors of the Six Nations at Johnston, the 7 of March, 1778; and a letter of 16, from Mr. [James] Duane, were read:[3]

Ordered, That the same be referred to the Board of War.

[1] This letter is in the *Papers of the Continental Congress*, No. 164, folio 1.

[2] This report, in the writing of Peters, is in the *Papers of the Continental Congress*, No. 147, I, folio 557. The members present were Gates, Pickering and Peters. In the same volume, on folio 549, are "Thoughts about the objections made against Inlisting Deserters of the Enemy," but not in Pulaski's writing.

[3] The letter of Schuyler is in the *Papers of the Continental Congress*, No. 153, III, folio 286.

The committee to whom were referred the petitions of William Bell and James Gallagher, brought in a report, which was read.

The committee to whom were referred the extract of General Washington's letter of 27 February, and the letter of 6 March, from William Patterson, attorney general of New Jersey, brought in a report:

That General Washington be directed to order a Court of Enquiry to be held upon Major General Schuyler, Major General Sinclair, Brigadier General Poor, and Brigadier General Patterson, previous to a trial by Court Martial, and that the Committee at Camp be directed to state the Subject matters of Inquiry.[1]

Ordered, That the consideration thereof be postponed to Monday next.

Congress was resolved into a committee, and, after some time, the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their farther consideration the propositions respecting the army referred to them, but not having come to a conclusion, desire leave to sit again:

Resolved, That this afternoon Congress be resolved into a committee of the whole, to consider farther the propositions respecting the army.

FOUR O'CLOCK, P. M.

A letter, of 24, from General Washington, and one, of 26, from Charles Lewis, colonel of the 14 Virginia regiment, desiring leave to resign his commission, were read:[2]

Resolved, That the resignation of Colonel Charles Lewis be accepted.

Congress was resolved into a committee of the whole, and, after some time, the president resumed the chair,

[1] This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 19, VI, folio 233.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 419; that of Lewis is in No. 78, XIV, folio 211.

and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their farther consideration the propositions respecting the army referred to them, and have made some farther progress therein, but not having come to a conclusion, desire leave to sit again:

Resolved, That on Monday Congress be resolved into a committee of the whole, to consider farther the propositions respecting the army.

Adjourned to 9 o'Clock on Monday.

MONDAY, MARCH 30, 1778

Congress being informed that Colonel Wadsworth is arrived in town, and waits the orders of Congress:

Resolved, That a committee of four be appointed to confer with him, and enquire whether he will undertake the office of commissary general of purchases:

The members chosen, Mr. [Elbridge] Gerry, Mr. [Abraham] Clark, Mr. [Francis Lightfoot] Lee and Mr. [Eliphalet] Dyer.

At the request of Mr. [Eliphalet] Dyer and Mr. [Abraham] Clark,

Ordered, That they be excused from serving as members of the Board of Treasury, and that two others be elected in their room:

The members chosen, Mr. [Oliver] Wolcott and Mr. [Nathaniel] Scudder.

Congress proceeded to the appointment of an auditor of accounts in the northern district, in the room of Mr. Henderson, and a commissioner of accounts at the Board of Treasury, in the room of Mr. Benezet; and

Peter Boyer, Esq[r] was appointed one of the auditors of accounts in the northern district; and

William Denning, Esq[r] was appointed one of the commissioners of accounts at the Board of Treasury.

A letter, of the 4, and one, of the 6, from A. Gillon, were read:

Ordered, That they be referred to the Committee of Commerce, and that they report thereon.

Resolved, That a committee of three be appointed to prepare instructions to the commissioners appointed by General Washington to negotiate a cartel for the exchange of prisoners:

The members chosen, Mr. [Samuel] Chase, Mr. [Francis] Dana, and Mr. [William] Duer.

A report from the Board of War was read, relative to Count Pulaski's corps:

Resolved, That the same be referred to the committee at camp, and that they be authorized to consult with General Washington and Brigadier Pulaski respecting the appointment of officers for that corps, and to act thereon as they judge proper and expedient.

A petition from Lieutenant James Berwick was read:[1]

Ordered, That his account for services done in capacity of judge advocate of a general court martial held at Lancaster, from the 4 February to the 22 March, be paid.

Mr. [William Henry] Drayton, a delegate from South Carolina, attended and produced the credentials of the appointment of delegates from that State, which were read, and by which it appears that the honble. Henry Laurens, William Henry Drayton, John Mathews, Thomas Heyward, and Richard Hutson, esquires are duly elected to represent that State in the Congress of the United States.

The committee appointed to prepare instructions for the commissioners for settling a cartel, brought in a report, which was taken into consideration, and agreed to as follows:

[1] This petition, dated March 29, is in the *Papers of the Continental Congress*, No. 42, I, folio 159.

Whereas, Congress concur in opinion with General Washington, that there are some ambiguities characterising the measures taken by General Howe, respecting General Lee, which justify alarming surmises, notwithstanding all that has passed to the contrary:

Resolved, That General Washington be informed that it is the intention of Congress that it should be a preliminary in the proposed cartel for a general exchange of prisoners, that Major General Lee be absolutely exchanged for Major General Prescot, and if refused, that no exchange take place till the further order of Congress:

That it be proposed to exchange Lieutenant Colonel Ethan Allen for Lieutenant Colonel Campbell, or Lieutenant Colonel Anstruther, and, if not acceded to, that Lieutenant Colonel Campbell be sent back to the State of Massachusetts bay:

That General Washington be further directed to instruct the commissioners to be careful not to contravene, in settling the proposed cartel, any of the resolutions of Congress, particularly that of the 30 December, respecting such of the citizens of these states as may voluntarily join the enemy, and be taken in arms against these States:

That, if the enemy will not consent to exempt citizens from capture, agreeably to the law of nations, the commissioners be instructed positively to insist on their exchange, without any relation to rank:

That General Washington be directed not to permit any article of the proposed cartel to be finally concluded without his express approbation, and that the President be directed to inform him accordingly.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the Board of

War and Ordnance, for 20,000 dollars, advanced upon application of the said Board, for the purpose of paying Colonel Hartley's regiment, three months' pay; for an advance to Christopher Ludwig, superintendent of bakers; and for contingent expences of the Board; the said pay master to be accountable:

That a warrant issue on the treasurer in favour of Mr. N[athaniel] Folsom, delegate from the State of New Hampshire, for 500 dollars advanced upon his application, and to be charged to the said State:

That a warrant issue on the treasurer in favour of William Palfrey, Esq[r] pay master general, for 500,000 dollars, for the use of his department; he to be accountable, and that it be transmitted to him by Joseph Nourse, pay master to the Board of War and Ordnance:

That a warrant issue on the treasurer in favour of the president and council of the State of Pensylvania, for 30,000 dollars, to be by them put into the hands of proper persons, for the purpose of purchasing horses in the said State, for the use of the army of the United States; the said State to be accountable:

That a warrant issue on Thomas Smith, commissioner of the continental loan office in the State of Pensylvania, for 50,000 dollars, in favour of the president and council of the said State, to be by them put into the hands of proper persons, for the purpose of purchasing horses in that State, for the use of the army of the United States; the said State to be accountable.[1]

The committee to whom the report of the Board of War, relative to Captain Ebenezer Sullivan was referred, brought in a report; Whereupon,

That they have conferred with, Captain Sullivan, who has communicated to them his motives for writing a letter to his Brother, General

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 189.

Sullivan, dated Montreal, August 14, 1776, during the time he was a Hostage with the Enemy in Canada; which Motives your Committee are of Opinion, cannot consistent with safety of Captain Sullivan be communicated untill Captain Sullivan shall be exchanged.

Resolved, That in consideration of the peculiarity of Captain Ebenezer Sullivan's case, he be allowed his pay and rations during the time he has been in captivity, and his pay while he shall continue a prisoner of war, any thing in the resolution of Congress of 19 January last to the contrary notwithstanding:

That it be referred to the Board of Treasury to adjust the accounts of Captain Sullivan, and make him such compensation for his losses and extraordinary trouble as they shall deem equitable.[1]

Adjourned to 9 o'Clock to Morrow.

TUESDAY, MARCH 31, 1778

A letter from Mr. Wilkinson was read, desiring leave to resign his office of secretary to the Board of War:

Resolved, That his resignation be accepted, and that his letter be returned as improper to remain on the files of Congress.

A petition from H. Zedwitz was read:

Ordered, That it be referred to the Board of War.

A letter, of 9 January, from John Peck Rathbun, was read; also, one from Colonel B. Tupper:[2]

Ordered, That they be referred to the Marine Committee.

The Marine Committee, to whom was referred the Letter of Colonel Benjamin Tupper of the 19th March, 1778, beg Leave to report, that a

[1] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 19, V, folio 463.

[2] The petition of Zedwitz is in the *Papers of the Continental Congress*, No. 41, X, folio 741; the letter of Tupper is in No. 78, XXII, folio 557.

Copy of said Letter should be transmitted to Isaac Smith, Ebenezer Storer and William Phillips, Esquires, of Boston, who are Commissioners appointed by the Marine Committee to settle and adjust the accounts of Prizes, with the agent appointed by General Washington, &c., and to require the said Agents to pay the several proportions justly due to the Captors, &c.[1]

A letter, of 27, from Colonel E. Blaine, deputy commissary general of purchases, was read:

Ordered, That it be referred to the Board of Treasury.

A letter of 26 February, from D. Cottineau, captain of the ship *Ferdinand*, at Cape Lookout, North Carolina, with an invoice of her cargo, was read:

Resolved, That the Committee of Commerce be authorized, after a conference with the Board of War and the Marine Committee, to purchase such articles of the cargo as they shall deem expedient for the public service.

Ordered, That the letter be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [Samuel] Chase, and Mr. F[rancis] L[ightfoot] Lee.

The Committee of Commerce, to whom was referred the letter from Mr. Gillon, brought in a report; Whereupon,

Resolved, That, as Mr. Gillon hath accepted of an appointment to command the navy of the State of South Carolina, and Congress have empowered their commissioner at Paris to appoint agents to transact the commercial affairs of these states, it is inexpedient to proceed upon his contract.

Congress was resolved into a committee of the whole, and, after some time, the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their farther consideration

[1] This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 78, XXII, folio 561.

the propositions relative to the army, but not having yet come to a conclusion, desire leave to sit again:

Resolved, That Congress, this afternoon, be resolved into a committee of the whole, to consider farther the propositions relative to the army.

FIVE O'CLOCK, P. M.

Congress was again resolved into a committee of the whole, to consider farther the propositions relative to the army, and, after some time, the President resumed the chair, and Mr. F[rancis] L[ightfoot] Lee reported, that the committee have had under their farther consideration the propositions to them referred, and having come to a conclusion thereon, he was ready to report:

Ordered, That the consideration of the report be postponed till to morrow.

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, APRIL 1, 1778

A letter, of 26 March, from General Greene, quarter master general, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 7 March, from Moses Emerson, was read, informing that he accepts the appointment to the office of commissioner of accounts in the middle district.

A letter, of 21 March, from Colonel D. Mason, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 11 March, from Major De Bois, at Albany, was read:[1]

Ordered, That it be referred to the Board of War.

[1] The letter of Green is in the *Papers of the Continental Congress*, No. 155, I, folio 55; that of De Bois is in No. 78, II, folio 407.

Congress took into consideration the report of the committee of the whole Congress, respecting an establishment or allowance to officers after the war:

After debate it was agreed, that amendments be moved and made in the report, but that, after the amendments are made and the report gone through, the whole report, as amended, shall be open to debate, whether it shall be adopted by Congress or be sent to the states, and their opinion taken, previous to the final determination of Congress.

FOUR O'CLOCK, P. M.

Ordered, That a warrant issue on the treasurer in favour of Count Pulaski, for 10,000 dollars, for the purpose of purchasing horses and recruiting his corps.

A letter, of 29 March, from General Washington, was read:[1]

Ordered, That it be referred to the Board of War.

Congress resumed the consideration of the report of the committee of the whole; Whereupon,

It was moved, that the report be entered on the journal;

To which the previous question was moved, and the yeas and nays being required,

New Hampshire,		
Mr. Folsom,	no	no
Massachusetts bay,		
Mr. Gerry,	ay	ay
Lovell.	ay	
Dana,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Dyer,	no	no
Huntington,	no	
Wolcott,	no	
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Clark,	no	no
Scudder,	no	
Pennsylvania,		
Mr. James Smith,	ay	ay
Delaware,		
Mr. M'Kean,	ay	ay

[1] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 421.

Maryland,		
Mr. Chase,	ay	ay
Forbes,	ay	
Henry,	no	
Virginia,		
Mr. F. L. Lee,	ay	*
North Carolina,		
Mr. Burke,	ay	ay
South Carolina,		
Mr. Laurens, dec'd answer'g.		
Drayton,	no	no
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved, that the main question be put.

The main question being then put, and the yeas and nays required,

New Hampshire,		
Mr. Folsom,	no	no
Massachusetts bay,		
Mr. Gerry,	ay	no
Lovell,	no	
Dana,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Dyer,	no	no
Huntington,	no	
Wolcott,	no	
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Clark,	no	no
Scudder,	no	
Pennsylvania,		
Mr. James Smith,	ay	ay
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Chase,	ay	ay
Forbes,	ay	
Henry,	no	
Virginia,		
Mr. F. L. Lee,	ay	*
North Carolina,		
Mr. Burke,	ay	ay
South Carolina,		
Mr. Laurens, decl'd voting.		
Drayton,	no	no
Georgia,		
Mr. Langworthy,	ay	ay

So the states were equally divided and the question lost.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, APRIL 2, 1778

A letter, of the 1st, from General Armstrong, at Carlisle, was read.[1]

[1] This letter is in the *Papers of the Continental Congress*, No. 162, folio 266.

A report from the Board of War, was read, respecting the employing a conductor to take charge of the waggons to be sent to the southward:

Ordered, That the Committee of Commerce and the Marine Committee be directed to confer with the Board of War on the subject of the said report, and take such measures on the premises as they shall deem expedient.

Ordered, That three members be added to the committee appointed to confer with Colonel Wadsworth:

The members chosen, Mr. [William Henry] Drayton, Mr. [Nathaniel] Scudder, and Mr. [John] Banister.

The report from the committee of the whole was called for; Whereupon, a question was moved,

That the consideration of the said report be postponed, and the yeas and nays being required,

Massachusetts bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Dana,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Dyer,	ay	ay
Huntington,	ay	
Wolcott,	ay	
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Clark,	ay	ay
Scudder,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	ay
James Smith,	ay	
Maryland,		
Mr. Chase,	ay	ay
Forbes,	ay	
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	*
Banister,	ay	
North Carolina,		
Mr. Burke,	ay	ay
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, APRIL 3, 1778

A paragraph of a letter, of 25 March, from the navy board at Bordentown. to the Marine Committee, was laid before Congress:

Ordered, That it be referred to the Board of War.

A letter, of 21 March, from General Washington, enclosing a copy of a letter to him from Dr. Rush, dated Princeton, 25 February, was read; also a letter of 9 March, with a postscript of 19, from Dr. Rush to Mr. [Daniel] Roberdeau, was laid before Congress:[1]

Ordered, That the said letters be referred to a committee of three:

That the committee be directed to enquire into the charges contained in Dr. Rush's letters against Dr. Shippen, and into the conduct of Dr. Shippen as director general of the hospital, and report specially to Congress:

That the committee be authorized to send for such persons and papers as they may judge necessary, and allow the reasonable and necessary expences of the witnesses attending this business:

The members chosen, Mr. [William Henry] Drayton, Mr. [Samuel] Huntington, and Mr. [John] Banister.

Resolved, That Mr. [Edward] Langworthy be appointed a member of the Marine Committee.

FOUR O'CLOCK, P. M.

The committee appointed to confer with Mr. Wadsworth, brought in a report, which was read.

The Committee on the Treasury brought in a report; Whereupon,

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 411; that of Rush to Washington is in No. 78, XIX, folio, 211; and that of Rush to Roberdeau, in the same volume, folio 215.

Ordered, That a warrant issue on the treasurer, in favour of the pay master of the Board of War and Ordnance, on the application of that Board, for 7000 dollars, for the use of Colonel Sheppard's and Captain Kingsbury's corps; for which the said pay master is to be accountable:

That a warrant issue on the treasurer for 1000 dollars, in favour of Mr. E[liphalet] Dyer, upon his application; and that the same be charged to the State of Connecticut.[1]

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to Lieutenant James Berwick, for his services acting as judge advocate at a court martial held at Lancaster, from 4 February to 22 March, 1778, the sum of 235 dollars, and for his expences in Yorktown, from 22 March to this day, the sum of 30 dollars, making together the sum of 265 dollars:

That there is due to Captain Ebenezer Sullivan, for pay from 1 January, 1777, to 1st instant and 42 days' rations, deducting the sum of 120 dollars, received from Major General Heath, a balance of 494 dollars:[2]

Ordered, That the said accounts be paid.

The Committee on the Treasury, to whom the case of Captain E. Sullivan was referred, report, "that they have examined his account of expences for support of a party of troops commanded by Major Sherburn, in their march from St. John's to St. Ann's, amounting to 11 dollars, and considered his loss of 250 dollars of public money, which, by affidavit, he declares were taken from him by the enemy, and are of opinion, that the said sums, together with the farther sum of 750 dollars, making in the whole, 1011 dollars, should be paid to him, in

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 195.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 191.

full compensation of his services and sufferings as a hostage for the troops taken by the enemy at the Cedars, in May, 1776:"[1]

Ordered, That the said sum be paid.

The Committee on the Treasury brought in a farther report: Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. [Thomas] Burke, delegate from the State of North Carolina, for the sum of 1500 dollars, advanced on his application, and that the same be charged to the State of North Carolina.

Congress took into consideration the report of the committee appointed to confer with Mr. Wadsworth, and after debate,

Resolved, That the farther consideration thereof be postponed, till the committee sent to camp return.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer for 200,000 dollars, in favour of William Buchanan, Esq[r] commissary general of purchases, for the use of the middle district; the said commissary general to be accountable.[2]

A report from the Board of War was read; after debate,

Ordered, That it be referred to a committee of three:

The members chosen, Mr. J[ames] Smith, Mr. [Abraham] Clark and Mr. [John] Henry.

Ordered, That Mr. [Eliphalet] Dyer have leave of absence.

[1] This report, including the grant to Thomas Burke, is in the *Papers of the Continental Congress*, No. 136, II, folio 195a.

[2] The original report called for 600,000 dollars, to be equally divided among the three districts. It is in the *Papers of the Continental Congress*, No. 136, II, folio 193.

A letter, of 21, and one of 24 March, from Major General Heath, were read.[1]

Adjourned to 9 o'Clock to Morrow.

SATURDAY, APRIL 4, 1778

A motion was made, that on Monday next Congress be resolved into a committee of the whole to consider the situation of the affairs of the United States:

Whereupon, it was moved, that the consideration of this motion be postponed; and the yeas and nays being required,

Massachusetts bay,		
Mr. Dana,	ay	*
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Huntington,	ay	div
Wolcott,	no	
New York,		
Mr. Lewis,	ay	ay
Duer,	ay	
New Jersey,		
Mr. Clark,	ay	ay
Pennsylvania,		
Mr. Roberdeau,	ay	div
James Smith,	no	
Maryland,		
Mr. Chase,	no	no
Forbes,	no	
Henry,	ay	
North Carolina,		
Mr. Burke,	ay	ay
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Georgia,		
Mr. Langworthy,	no	no

So it was resolved in the affirmative.

A report from the Board of War and Ordnance was read: Whereupon,

AT A BOARD OF WAR *April 3d 1778*

The Board beg leave to lay before Congress a Report of the former Board of War which has never been acted upon—

"That Daniel and Samuel Hughes of the State of Maryland, should be released from their former Contract for supplying the United

[1] The letter of Heath, of the 21st, is in the *Papers of the Continental Congress*, No. 157, folio 97.

States with Cannon at the Rate of per Ton, and that it should be referred to Arbitrators to be respectively appointed by Daniel and Samuel Hughes, and by the Board of War and Ordnance, in Behalf of the United States, to settle the Accounts for Monies advanced to the said Daniel and Samuel Hughes; and if they should judge it equitable to make such additional Allowance to the Contract Price for Cannon already cast as they shall deem sufficient to ensure a reasonable Profit to the said Daniel and Samuel Hughes for the Trouble they have been at in carrying on their Works for the Public Use.

"That the works of Daniel and Samuel Hughes should be engaged for the public use from the day of to the day of 177 , and that a contract should be made forthwith to allow them for what cannon, mortars and other ordnance or stores, they may cast during that term at the same averaged price p ton as potts shall bear at quarterly periods at any two furnaces, which the Board of War and Ordnance, shall think proper to point out in said contract. The price of carriage to be allowed from the furnace of the said Daniel and, Samuel Hughes to the places where they are to be delivered at the Customary Rates."

In addition to the above report the Board beg leave to subjoin the following proposals of Messrs Hughes for the consideration of Congress.

That the depreciation of the currency be left to arbitration, and Daniel and Samuel Hughes allowed such price for their cannon as the said Arbitrators may adjudge to be equal to the original price contracted for.

That the proof of the guns be lowered in proportion as they are shorter than the British cannon.

That the guns be delivered on the furnace bank, as no private authority or influence can at this time command carriages sufficient to transport them any distance, let the price be ever so great. The Carriage to be deducted from the Value of the Guns, if delivered at Baltimore, the place specified in their contract.[1]

Resolved, That Daniel and Samuel Hughes, of the State of Maryland, shall not be held to make any more cannon on their present contract:

[1] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 1.

That it be referred to the commissioners of claims to settle the accounts of Daniel and Samuel Hughes against the United States, agreeably to their contract:

That the Board of War and Ordnance be directed to report to Congress such an allowance per ton as they shall deem sufficient to ensure a reasonable profit on [all the cannon which Daniel and Samuel Hughes have cast, and which have sustained or shall sustain due proof, as well those that have not, as those that have been delivered according to contract:][1]

That the Board of War and Ordnance be authorized to enter into a contract with Messrs. Daniel and Samuel Hughes, for such a number of battering cannon and mortars, and such quantity of shot and shell, as they shall deem necessary for the public service.[2]

A report from the Board of War. relative to Count Pulaski's corps, was read:

Ordered, That it be referred to a committee of three: The members chosen, Mr. [William] Duer, Mr. [William Henry] Drayton and Mr. [Francis] Dana.

Resolved, That the fifteen men inlisted and lately brought to Yorktown by Captain Scott, be annexed to Colonel Hartley's regiment, and that Captain Scott and the subalterns of the said company be dismissed.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on Nathaniel Appleton, Esq.r commissioner of the continental loan office in the State of Massachusetts bay, in favour of the Marine Committee, for 40,000 dollars; one other warrant in their favour for 30,000, dollars, on John Lawrence, Esq.r commissioner of the continental loan office in the State of

[1] These words, in the writing of William Ellery, and in the form of an amendment, are in the *Papers of the Continental Congress*, No. 147, II, folio 3.

[2] This paragraph, in the writing of William Duer and as an amendment, is on the same folio.

Connecticut; and one other warrant for 30,000 dollars in their favour, on Nicholas Gilman, Esq.r commissioner of the continental loan office in the State of New Hampshire; for which sums the said Marine Committee is to be accountable, the same being advanced on their application for the use of the navy board in the eastern department.

Resolved, That one million of dollars be emitted under the direction of the Treasury Board, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 5th of March last, be numbered from the last number of each respective denomination of that emission progressively, and consist of the following denominations, viz.

15,384 bills of 3 dollars,		46,152	15,385 bills of 2 dollars,		30,770
15,384 do of 4	do	61,536	15,385 do of 8	do	123,080
15,384 do of 5	do	76,920	15,385 do of 30	do	461,550
15,384 do of 6	do	92,304			
15,384 do of 7	do	107,688			1,000,000

That all powers and duties of Michael Hillegas, Esq.r and of the inspectors of the press, signers and printers of the emission directed on the 10 May last, shall extend to the one million to be emitted, subject, however, to such directions and instructions as the Board of Treasury may judge expedient.[1]

The committee to whom the report of the Board of War was referred, brought in a report, which was taken into consideration; Whereupon,

Resolved, That General Washington be empowered, if he shall deem it necessary, to call upon the states of Maryland, Pensylvania and New Jersey, for five thousand of their militia, in such proportions from the respective

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 199.

states as he shall think proper; to remain in service for such time as General Washington shall recommend; the said militia to be armed and accoutred by the respective states to which they belong, to whom it is earnestly recommended to use every exertion in complying with the General's request.

Adjourned to 9 o'Clock on Monday.

MONDAY, APRIL 6, 1778

Whereas Colonel Hartley has represented, that it will be necessary for the public service that he should have liberty to retain one of the subalterns in Captain Scott's company for some few days:

Resolved, That Colonel Hartley have power to retain the subaltern so long as he shall judge it necessary for the public service.

Mr. Joseph Reed, a delegate from Pensylvania, attended and took his seat.

A letter, of the 3, from Major Clark, one of the auditors of accounts at the camp; one of this day, from W. Buchanan, Esq[r] commissary general of purchases; and one of 30th March, from Messrs. [Joseph] Reed and [Gouverneur] Morris, two of the committee at camp, were read:[1]

Ordered, That they be referred to the Board of Treasury.

A letter, of 1st, from General Washington, was read:[2]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Colonel John Davis, deputy quartermaster general, for

[1] This letter of Buchanan is in the *Papers of the Continental Congress*, No. 78, II folio 415.

[2] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 423.

50,000 dollars, for the use of his department, and charged to Major General Green, quartermaster general:

That a warrant issue on the treasurer in favour of the Committee of Commerce, for 2,500 dollars, to enable them to pay a draught of Livinus Clarkson and Abraham Livingston, continental agents at Charlestown, the said committee to be accountable:

That a warrant issue on the treasurer in favour of Lieutenant James Peale, for the sum of 26,068 dollars, in discharge of the following bills, drawn by Thomas Reed, assistant to the pay master general, two of them in favour of Thomas Smith, and by him endorsed to the said J. Peale, dated 3 April, 1778, one for 4,482 dollars, and one for 8,940, amounting to 13,422 dollars; two others in favour of the said James Peale, viz. one for 3,391, and one for 9,255 dollars, making 12,646 dollars; the whole amounting to 26,068 dollars; for which sum the pay master general is to be accountable:[1]

That a warrant issue on the treasurer in favour of James Mease, Esqr cloathier general, for 50,000 dollars:

That another warrant issue on Thomas Smith, Esqr commissioner of the continental loan office in the State of Pennsylvania, in favour of the cloathier general, for 100,000 dollars:

That another warrant issue on Joseph Clark, Esqr commissioner of the continental loan office in the State of Rhode Island, in favor of the cloathier general, for 20,000 dollars; and

That another warrant issue on Nathaniel Gilman, Esqr commissioner of the continental loan office in the State of New Hampshire, in favour of the cloathier general, for 40,000 dollars, for which four sums, amounting, in the

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 201. In the manuscript the name of Thomas Smith is written Captain Joseph Smith.

whole, to 210,000 dollars, advanced him for the use of his department, he, the cloathier general, to be accountable.

Resolved, That Mr. J. Mease be directed not to pay any draughts of his agent in Georgia, nor to remit him any money till the further order of Congress.[1]

The committee to whom was referred the report of the Board of War, respecting Brigadier Pulaski's legion, brought in a report; Whereupon,

Resolved, That there be allowed to Brigadier Pulaski, for every man inlisted and mustered in his legion, and who shall be furnished by the said brigadier with the following articles of cloathing and accoutrements, one hundred and thirty dollars, including the continental bounty money:

For each trooper and light infantry man, one stock, one cap, a pair of breeches, one comb, two pair of stockings, two pair gaiters, three pair shoes, one pair buckles, a spear, and cartouch box:

For each trooper a pair of boots, a saddle, halters, curry-comb and brush, portmantle, picket cord, and pack saddle: The leather for the portmantle and pack saddle to be furnished out of the public stores, by order of the Board of War:

That, in order to enable Brigadier Pulaski to raise and equip his legion with the utmost despatch, the Board of Treasury be authorized and directed to advance, on the application of the Board of War, a sum of money not exceeding 50,000 dollars, to be by the Board of War advanced, from time to time, to Brigadier Pulaski, on account of his legion:

That, if any of the states in which Brigadier Pulaski shall recruit for his legion, shall give to persons inlist-

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 197. The last paragraph is in the writing of Charles Thomson.

ing in the same for three years, or during the war, the bounty allowed by the State in addition to the continental bounty, the men so furnished not being inhabitants of any other of the United States, shall be credited to the quota of the State in which they shall be inlisted.[1]

A letter, of 26 March, from Governor Henry, of Virginia; one, of 20 March, from Thurmer Hoggard, of Princess Ann, Virginia; and one, of 20 March, from Maxwell and Loyal, were read:[2]

Ordered, That they be referred to the Marine Committee, who are directed to report thereon.

Congress resumed the consideration of the report of the committee of the whole, respecting the affairs of Roderique Hortales & Co. and, after some time spent thereon,

Resolved, That the further consideration thereof be postponed till to morrow.

Adjourned to 9 o'Clock to Morrow.

TUESDAY, APRIL 7, 1778

A letter, of 31 March, from the commissioners sent to Fort Pitt, with sundry papers enclosed; also, a letter of the same date, from Colonel G. Morgan, with sundry papers enclosed, were read:[3]

Among the papers enclosed is the following certificate, signed by the commissioners:

We, the commissioners for the western department, acting under authority of Congress, having, in obedience to our instructions, notice being first given to all the neighbouring counties, proceeded to an enquiry into the conduct of Colonel George Morgan, agent for Indian affairs, and continued the same by adjournments from the twentieth

[1] This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 19, V, folio 219.

[2] The letter of Hoggard is in the *Papers of the Continental Congress*, No. 78, XI, folio 293.

[3] This letter and enclosures are in the *Papers of the Continental Congress*, No. 78, II, folio 437.

to the twenty-sixth inst., do, after the clearest and most satisfactory testimonies, wholly acquit the said Colonel George Morgan of the charges against him, of infidelity to his public trust, and disaffection to the American cause; and we testify that we are possessed of the knowledge of various facts and circumstances, evincing not only his attachment to that cause, but also an uncommon degree of diligence in discharging the duties of his employment, and of attention to the interests of the United States; and therefore are of opinion he ought to be restored to the fullest confidence of his country.

SAMP. MATTHEWS,
GEO. CLYMER,
SAM. M'DOWELL.[1]

PITTSBURGH, *March 27, 1778.*

Ordered, That the letters from the commissioners and from Colonel G. Morgan, with the papers enclosed, be referred to a committee of three:

The members chosen, Mr. F[rancis] L[ightfoot] Lee, Mr. J[onathan] B[ayard] Smith and Mr. [Oliver] Wolcott.

A letter, of the 3d, and one, of the 4th, from General Washington, also a letter of the 4, from E. Boudinot, Esq[r] commissary general of prisoners, to the Board of War, were read:[2]

Ordered, That the two last be referred to a committee of three:

The members chosen, Mr. [Francis] Dana, Mr. [Samuel] Chase and Mr. [William] Duer.

Congress took into consideration the letter of the 3d, from General Washington, and thereupon came to the following resolutions:

Whereas, Captain Henry Lee, of the light dragoons; by the whole tenor of his conduct during the last campaign, has proved himself a brave and prudent officer,

[1] A copy of this certificate is in the *Papers of the Continental Congress*, No. 78, II, folio 433.

[2] The letters of Washington are in the *Papers of the Continental Congress*, No. 152, V, folios 427 and 431; that of Boudinot is in No. 78, II, folio 451.

rendered essential service to his country, and acquired to himself, and the corps he commanded, distinguished honour; and it being the determination of Congress to reward merit,

Resolved, That Captain H. Lee be promoted to the rank of major commandant; that he be empowered to augment his present corps by inlistment to two troops of horse, to act as a separate corps:

That Lieutenant Lindsey, of Colonel Bland's regiment, who served in that character in Captain Lee's troop, during the campaign, be promoted to the rank of captain, and have the command of one of the troops under Major Lee:

That Cornet Peyton, serving in the same manner, be promoted to the rank of captain lieutenant and have the command of the other troop under Major Lee:

That the other officers be appointed by General Washington, and receive commissions from him accordingly.

A report from the Board of War, relative to the propriety and necessity of exempting from militia duties persons employed in manufactories and other business for the public service, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. J[onathan] B[ayard] Smith, Mr. [Thomas] Burke and Mr. [John] Banister.

The Committee on the Treasury, to whom was referred the letter from the auditors in the army, brought in a report; Whereupon,

Resolved, That the Board of Treasury be authorized to determine the number of clerks that may be necessary, from time to time, for assisting the auditors of the army.[1]

Congress resumed the report of the committee of the whole, when the following contract or instrument was agreed to:

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 203.

To all whom it may concern. Whereas, Roderique Hortales & Co. of Paris, have shipped, or caused to be shipped or laden, on board sundry ships or vessels, considerable quantities of cannon, arms, ammunition, cloathing and other stores, most of which have been safely landed in America, and delivered to the agents of the United States, for the use and service thereof; and whereas, the said Roderique Hortales & Co. are willing and desirous to continue supplying these states with cannon, mortars, bombs, arms, ammunition, cloathing, and every sort of stores, that may be wanted or required, and also with specie, provided satisfactory assumption be made and assurance given for the payment in France of the first cost, charges and freight of the cargoes already shipped, as well as those to be hereafter shipped, and of specie to be advanced: and whereas, some cargoes of American produce have already been shipped to the address of the said Roderique Hortales & Co. or their assigns, for sale on account of the United States of America, the net proceeds whereof are to be applied in part discharge of their claims. Now know ye, that John Baptiste Lazarus Theveneau de Francey, agent of Peter Augustin Caron de Beaumarchais, as representative of the house of the said Roderique Hortales & Co. by him especially appointed and empowered to act fully and effectually in all things on his behalf, as appears by a certain letter of attorney or instrument of writing, bearing date the tenth day of September, anno one thousand seven hundred and seventy-seven, copy whereof is hereunto annexed, doth, for and on behalf of the said Roderique Hortales & Co. represented by Mr. Beaumarchais as aforesaid, in virtue of the powers in him vested, contract, agree and engage to and with a committee of commerce, properly appointed and authorized by the delegates of the United States of America in Congress assembled, to enter into, execute, ratify and confirm this contract for and on behalf of the said United States, as follows:

First. That the costs and charges of the several cargoes already shipped by the said Roderique Hortales & Co. shall be fairly stated at the current prices and usual mercantile charges in France, of the dates at which they were shipped:

Second. That the freight of the said cargoes shall be charged agreeably to the contract made by and between Mr. Beaumarchais and Mr. Silas Deane and Mr. Montieu:

Third. That all orders for cannon, mortars, bombs, arms, ammunition, cloathing or other stores, which may hereafter be transmitted to Messrs. Roderique Hortales & Co. or delivered to their agent in America by the said committee, or any other persons properly authorized by Congress to transmit or deliver such lists or orders, shall be executed and shipped with all possible despatch:

Fourth. That all articles to be hereafter shipped for America, in virtue of this contract, shall be provided as nearly to the orders as possible, at not higher than the current prices, and attended with the most moderate charges, not higher than the usual mercantile charges of the place from whence they are exported:

Fifth. That good ships shall be chartered or bought on the most moderate terms for transportating the stores to America, and carrying back such cargoes as the committees shall chuse to ship in them:

Sixth. That agents appointed under the authority of Congress shall have free liberty to inspect the quality and require the prices of all articles to be shipped for the account of the United States, with power to reject such as they judge unfit or too high charged; they shall also be party in the charters and purchases of ships to be employed in this service:

Seventh. That bills on the house of Roderique Hortales & Co. aforesaid, for twenty-four millions of livres tournois annually, shall be duly honored and paid, the bills to be drawn at double usance, and at the following periods, viz. in the months of May, July, September, November, January, and March, for four million each two months.

In consideration whereof, the said commercial committee of Congress, by virtue of the powers and authorities to them delegated by the Congress, do, for and on behalf of the said United States, covenant, agree, and engage with the said Roderique Hortales & Co. by their agent, as follows:

First. That remittances shall be made by exports of American produce and otherways to the said Roderique Hortales & Co. or their agent, for the express purpose of discharging the debt already justly due or hereafter to become justly due in consequence of this agreement:

Second. That all cargoes of merchandise shipped on account of the United States for France, and appropriated towards the discharge of the said debt, shall be addressed to the house of Roderique Hortales & Co. or their assigns, for sale; subject, however, to the inspection and controul of an agent appointed under the authority of Congress, who shall have liberty to inspect the quality of such merchandise,

assent to or reject the prices offered, postpone the sales, and do every thing for the interest of his constituents:

Third. That the customary interest of France, not exceeding six per centum per annum, shall be allowed on the debt already due, or that, from time to time, may be due to the said Roderique Hortales & Co. in virtue of this agreement, computing the interest on money from the time of its being paid, and on goods by them exported, from the usual periods of commercial credits on such goods:

Fourth. That any payments of continental currency in America, required by the said Roderique Hortales & Co. or their agent, and agreed to by Congress, shall be computed at the current or equitable course of exchange at the date of the payment, and interest be discounted on the amount from that date:

Fifth. That the remittances to be made for the purpose of extinguishing the debt now due or to become due to the said Roderique Hortales & Co. shall be made at such times and seasons as shall be most safe and convenient for the American interest, but are to continue until the entire debt, principal and interest, shall be fully and fairly discharged:

Sixth. That a commission of 2½ per centum shall be allowed to the said Roderique Hortales & Co. on the amount of the invoices, freight or other charges and moneys paid and disbursed by them for account of the United States:

Seventh. That the customary commissions in France shall be also allowed the said Roderique Hortales & Co. on the amount of all payments made to them on account of the United States:

Provided, *always*, That the seventh article of this agreement, respecting the annual supply of twenty-four millions of livres, shall not be considered as absolutely binding upon either of the parties to this contract, unless the same shall be ratified by Roderique Hortales & Co. and the commissioners of the United States at Paris; for which purpose it is agreed to be submitted to them, any thing herein contained to the contrary notwithstanding; but it is nevertheless to be understood, that the United States may and shall have liberty to draw in the course of five or six months from the date hereof, upon the said Roderique Hortales & Co. for the sum of one hundred thousand pounds sterling, equal to two millions three hundred thousand livres tournois, which shall be duly paid.

Resolved, That the Committee of Commerce be, and they are hereby empowered to execute the foregoing con-

tract or instrument, on behalf of the United States of America, and that they make report, from time to time, of their proceedings therein.

In debating the foregoing contract, a motion was made to strike out "twenty-four," and insert "forty-eight," and the yeas and nays being required,

Massachusetts Bay,		
Mr. Gerry,	ay	ay
Dana,	ay	
Lovell,	no	
Rhode Island		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Huntington,	no	no
Wolcott,	no	
New York,		
Mr. Duer,	ay	*
New Jersey,		
Mr. Clark,	no	no
Scudder,	no	
Pennsylvania,		
Mr. Roberdeau,	no	no
Reed,	no	
Smith,	no	
Maryland,		
Mr. Chase,	no	no
Forbes,	no	
Henry,	no	
Virginia,		
Mr. F. L. Lee,	no	*
North Carolina,		
Mr. Burke,	no	no
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Georgia,		
Mr. Langworthy,	no	no

So it passed in the negative.

It was then moved to strike out twenty-four, and insert thirty, and, the yeas and nays being required,

Massachusetts Bay,		
Mr. Gerry,	ay	ay
Dana,	ay	
Lovell,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Huntington,	no	no
Wolcott,	no	
New York,		
Mr. Duer,	ay	*
New Jersey,		
Mr. Clark,	no	div
Scudder,	ay	
Pennsylvania,		
Mr. Roberdeau,	ay	no
Reed,	no	
J. B. Smith,	no	

Maryland		
Mr. Chase,	no	no
Forbes,	no	
Henry,	no	
Virginia,		
Mr. F. L. Lee,	no	*
North Carolina,		
Mr. Burke,	no	no
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Georgia,		
Mr. Langworthy,	no	no

So it passed in the negative.

Copy of the powers given to John Baptiste Lazarus Theveneau de Francey is as follows:

Before the counsellors of the king, the notaries of the court-house of Paris, undersigned, was present, Mr. Pierre Augustin Caron de Beaumarchais, representing in France the house of Roderique Hortales & Co. living in the city of Paris, in Old Temple street, and parish of St. Gervais, who, by these presents, did make and constitute his procurator general, Mr. John Baptiste Lazarus Theveneau de Francey, just about to embark for America, to whom he gives power, for, and in the name of the said house of Roderique Hortales & Co. to manage and administer all the affairs of the said house and company as well actively as passively; and, in consequence, to solicit and recover all debts relative to all the cargoes past, present, and future, sent by the said house, to America; to receive all moneys and make all purchases relative to the returns of the said cargoes, and to pay all expences relative to them; to settle all accounts with correspondents of the said house of Roderique Hortales & Co. whether upon invoices or otherwise; to call, if necessary, for the reciprocal correspondence, registries and accounts current; to debate the interests of said Constituents and company to allow the articles in the said accounts; to close and settle them, and, by receipts of every kind, to give, by the said constituted procurator, all quittances, discharges, and valid liquidations, either for specie, merchandise, or produce; and to accept all bills and orders drawn by him; in default or refusal of settlement, and after settlement made, to do, in the name of the said Constituents and Company all conservatory acts, pursuits, and necessary works; to appear before all judges who may be concerned; to present demands, and to pursue them effectually to final judgment; to treat, compose, and transaet at the prices, charges, clauses, and conditions which the said constituted procurator shall judge most useful to the interest of

the said Constituent and Company; to make all oppositions and arrests that shall be necessary in case of bodily restraint, to carry it into execution; to give discharge; to consent to all things; to stop processes; to constitute procurators and lawyers in any cause; to propose and agree to arbitrations and arbiters; to chuse his residence; and, in general, to manage, for the greatest interest of the said Constituent and his house, whatever circumstances shall require, not provided for in these presents, and without having need of more special power; the aforesaid Constituent promising to acknowledge all agreeable, until revocation of this power; to which also shall be submitted, all treaties made, or to be made, with the said constituted procurator, whether anterior or posterior to these presents; and the said constituted procurator being obliged, as is just, to render account of his mission the most exactly, faithfully, and legally, that may be. Made and passed at Paris, at the Studies, in the year one thousand seven hundred and seventy-seven, the tenth of September, and a minute of these presents, lodged with Mr. Momet, one of the undersigned notaries, hath been signed:

[L. S.] Sealed the same day; DE MANFORT.
MOMET.

The above instrument was executed by a public officer in my presence.

S. DEANE.

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, APRIL 8, 1778

A letter, of 3, from General Greene, quarter master general; one, of the 7, from Mr. R[obert] Morris, at Manheim; one, from the war office in Massachusetts Bay, dated 26th of March; and one, of 27 March, from R. T. Paine, Oliver Ellsworth, and Henry Marchant, Esqrs. commissioners appointed to enquire into the causes of the

failure of the expedition against Rhode Island, were read:[1]

Ordered, That the letter from the war office of Massachusetts Bay, be referred to a committee of three:

The members chosen, Mr. [Francis] Dana, Mr. [Thomas] Burke, and Mr. [Samuel] Chase.

Ordered, That the letter from Messrs. Paine, Ellsworth, and Marchant, with the examinations by them taken, which accompany the letter, be referred to a committee of five:

The members chosen, Mr. [William Henry] Drayton, Mr. [John] Banister, Mr. [John] Henry, Mr. [Joseph] Reed, and Mr. [William] Duer.

A representation from the legislative council and assembly of New Jersey, was read:[2]

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Joseph] Reed, Mr. [Francis] Dana, and Mr. [Nathaniel] Scudder.

The committee to whom were referred the proceedings of a convention of committees of the states of New Hampshire, etc. to Pensylvania, inclusive, together with a letter of the 30 January last, from Thomas Cushing, Esq. president of the convention, and sundry resolutions of 19 December last, from the State of North Carolina, brought in a report, which was read:

1st. That 20,010,000 Dollars, emitted by Resolutions of Congress of the 22d Day of June, 25th of July, and 29th of November, 1775, and the 5th of January, 17th of February, 9th of May, and 22d July, 1776, be borrowed on loan office Certificates of the United States, and destroyed.

2d. That for this purpose, It be recommended to the respective States forthwith to provide Laws for stopping the Circulation of all

[1] The letter of Greene is in the *Papers of the Continental Congress*, No. 155, I, folio 59; that of Morris is in No. 137, Appendix, 225; that of the war office in No. 147, I, folio 569; and that of the commissioners in No. 78, XVIII, folio 175.

[2] This representation is in the *Papers of the Continental Congress*, No. 68, folio 341.

Bills of the Emissions aforesaid after the Day of next, by not considering them as a legal Tender: but that they be received in Exchange for Loan Office Certificates, or in Payment of a Continental Tax to be raised by the States agreeable to a Resolution of Congress of the Day of last.

3d. That the several Commissioners of the Continental Loan offices be directed to cut by a circular punch of an Inch Diameter, an Hole in each Bill which they may receive of the said Emissions to cross the same and thereby render it impassible, whilst the Sum or Value is to remain legible, and to transmit such Bills to the Continental Treasurer to be by him in the Presence of a Committee of Congress to be appointed for that purpose, examined, accounted, and destroyed.

4th. That if any Loan Office shall be unsupplied with Certificates at the Time that any Holder of such Bills shall deliver them to the Commissioner, such Holder shall be entitled to receive the Commissioners Receipt for the Sum so delivered, and in Exchange therefore, Certificates of a similar Date, provided that such Receipts shall not be negotiable.

5th. That it be most earnestly recommended to the several States to carry into immediate and vigorous Effect the Resolutions of Congress of the Day of last, for calling in by Taxes or Loans and cancelling the Bills of Credit which they have respectively emitted, for raising by Tax a Sum to supply the Continental Treasury, for confiscating and making Sale of the Estates of Persons who have forfeited the protection of the respective States, and lending to the United States on Loan Certificates the Money arising on such sales; and for ceasing to make further Emissions of Bills of Credit.

6th. That the Commissioners of the Loan Offices be respectively directed to receive in Exchange for Certificates such Bills of Credit only, as have been or may be emitted by Congress, any Resolution to the contrary notwithstanding.

7th. That the Resolution of Congress of the 10th of September last, for paying in Bills of Exchange on the Commissioners of the United States at Paris, or in Bills of Credit, at the Option of the Lender, the Interest arising after the Date of that Resolve on Loan Office Certificates issued before the first of March last, be extended to all Certificates which have been since issued, or that shall be issued before the Day of next.

8th. That proper Extracts of the Proceedings of the Convention of Committees of the several States from New Hampshire to Pennsyl-

vania, be transmitted to the respective States from Maryland to Georgia inclusive, that the Propriety of adopting similar Measures, be referred to their serious Consideration, and that it be recommended to Delaware, Pennsylvania and the States eastward thereof to suspend the Execution of the Plan of the Convention, for regulating Prices, until Congress shall inform them of the Proceedings of the southern States upon the same Subject.

9th. That a circular Letter be addressed to the respective States shewing the Necessity of their executing the preceding Resolves.[1]

Ordered, That the consideration thereof be postponed to Friday next.

Congress resumed the consideration of the report of the committee appointed to confer with Colonel Wadsworth, and after debate,

Resolved, That the same be re-committed, and that Mr. [Joseph] Reed and Mr. [Francis] Dana be added to the committee who brought in the report, and that the committee be directed to confer farther with Mr. Wadsworth.

Resolved, That the officers, prisoners to the United States, who are ordered to Lancaster by the commissary of prisoners, for the purpose of being exchanged, be detained at Lancaster till the farther order of Congress.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, APRIL 9, 1778

A letter, of 24 March, from Richard Varick, deputy muster master general in the northern department, with sundry papers enclosed, was read:[2]

Ordered, That the letter, with the papers enclosed, be referred to the Board of War, who are directed to prepare and report a plan for rectifying and preventing the abuses mentioned in the said letter.

[1] This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 24, folio 393. It is endorsed: "Read, 8th April, 1778. Postponed to Friday next."

[2] This letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 81.

Resolved, That Saturday next be assigned for taking into consideration the propriety and necessity of Congress removing to some more suitable place, where the members can be accommodated and the public business transacted with more convenience than at York town.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to Dr. Jonathan Dayton, for his attendance and medicine for 34 prisoners of war, who were under his care, by order of Brigadier Maxwell, the sum of 211 27/90 dollars:[1]

Ordered, That the said account be paid.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of James M'Clelland, for the use of Colonel George Morgan, for 4,000 dollars, to answer a requisition from Brigadier Hand, for building armed boats on the Ohio; Colonel Morgan to be accountable:[2]

That a warrant issue on the treasurer in favour of Colonel John Cox, assistant quarter master general, for the sum of 1,250,000 dollars, for the use of the quarter master general's department: that another warrant issue on Thomas Smith, Esq. commissioner of the continental loan office, in the State of Pensylvania, in favour of the said Colonel John Cox, for the sum of three hundred thousand dollars, for the use of the same department; and that both the aforegoing sums, amounting to 1,550,000 dollars, be charged to Major General Greene, quarter master general, who is to be accountable:

That a Warrant issue on the Treasurer for One hundred thirty three Thousand three hundred thirty three and one third Dollars, in favor of Robert Lettis Hooper, Esqr. to answer an Order of the third

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 209.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 207.

Day of April Instant, in his Favor, drawn by Major General Greene, Quarter Master General, for the Use of his Department, who is to be accountable.

That a warrant issue on the treasurer in favour of Colonel John Cox, for 33,000 dollars, to enable him to pay for a quantity of dried clams, which he was requested to purchase by the committee of Congress at camp, and that William Buchanan, Esq. commissary general of purchases, be charged with the same, and furnished with a copy of this order.[1]

The Marine Committee, to whom was referred the letter from Benjamin Tupper, of the 19 March last, brought in a report; Whereupon,

Resolved, That a copy of the said letter be transmitted to Isaac Smith, Ebenezer Storer and William Philips, Esqrs. of Boston, who are commissioners appointed by the Marine Committee, to settle and adjust the accounts of prizes with the agents appointed by General Washington, &c. and to require the said agents to pay the several proportions justly due to the captors, &c.

The said committee, to whom was referred the letter of Thurmer Hoggard, brought in a report; Whereupon,

Resolved, That it be referred to Messrs. Maxwell and Loyal, superintendents, and to David Stodder, master-builder of the continental frigates, building in Virginia, to consider and report their opinion to the Marine Committee, whether an allowance, and, if any, what allowance should be made to Thurmer Hoggard, for the frame furnished by him for one of the said frigates, over and above the price originally stipulated, and in like manner to consider and report their opinion with regard to the frame of the other frigate agreed to be furnished by Thomas Talbut, deceased, to whom the said Hoggard is executor.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 205.

[2] This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 78, XI, folio 297.

The committee appointed to confer with Mr. Wadsworth, and to whom their former report was re-committed, brought in another report; Whereupon,

The following questions were moved:

1. Whether Mr. Wadsworth, for discharging the duties of commissary general of purchases, shall be allowed half per cent. on all the moneys which shall be by him received and expended for the use of his department?

2. Whether the deputy commissaries to be appointed by Mr. Wadsworth, shall be allowed half per cent. on all moneys by them respectively received and paid to the purchasing commissaries under them in their respective districts?

3. Whether the purchasing commissaries shall be allowed two per cent. for the moneys which shall be by them respectively received and expended in the purchase of provisions for the army, pursuant to the orders of Mr. Wadsworth or his deputies?

And the yeas and nays being taken on these questions severally:

Massachusetts Bay,		
Mr. Dana,	ay	ay
Gerry,	ay	
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Huntington,	ay	ay
Wolcott,	ay	
New York,		
Mr. Duer,	ay	*
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. Reed,	ay	div.
J. B. Smith,	no	
Maryland,		
Mr. Chase,	ay	ay
Forbes,	ay	
Henry,	ay	
Virginia,		
Mr. Banister,	ay	*
North Carolina,		
Mr. Burke,	no	no
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Georgia,		
Mr. Langworthy,	ay	ay

So they were resolved in the affirmative.

Congress proceeded to the election of a commissary general of purchases, and, the ballots being taken, Jeremiah Wadsworth, Esq. was unanimously elected.

Ordered, That the consideration of the report be postponed till to morrow.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, APRIL 10, 1778

A letter of 2d, from Captain James Nicholson, to the Marine Committee, was read, informing them of the loss of the *Virginia* frigate, on the 31 March:

Ordered, That it be referred to the Committee of Intelligence.

A letter, of this day, from W. Buchanan, late commissary general, was read:[1]

Ordered, That it be referred to the Board of War.

A letter, of 8, from Brigadier Smallwood, with sundry papers enclosed, relative to the taking into custody Thomas White and Charles Gordon, in pursuance of an act of Congress, was read:[2]

Ordered, That the same be referred to a committee of of three:

The members chosen, Mr. [Samuel] Chase, Mr. [Joseph] Reed and Mr. [William Henry] Drayton.

Resolved, That a committee of three be appointed to confer with W. Buchanan, Esq. respecting his continuance in office, until Colonel Wadsworth is ready to enter on the business:

The members chosen, Mr. [Francis] Dana, Mr. [Nathaniel] Scudder and Mr. [Samuel] Chase.[3]

[1] This letter is in the *Papers of the Continental Congress*, No. 78, II, folio 457.

[2] This letter and enclosures are in the *Papers of the Continental Congress*, No. 161, folios 147–159.

[3] On the back of a letter from the Council of Pennsylvania, dated April 9, and read this day, Thomson has recorded the vote on this committee: Drayton, 4; Chase, 5; Dana, 7; Scudder, 6; Gerry, 3; and Reed, 2. The letter is in the *Papers of the Continental Congress*, No. 69, I, folio 493.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on Joseph Borden, Esq. commissioner of the loan office in the State of New Jersey, in favour of that State, for 70,000 dollars, advanced for the purpose of paying their militia; the said State to be accountable:

That a warrant issue on the treasurer in favour of the delegates of the State of Virginia, for 33,333 1/3 dollars, to be by them transmitted to his excellency Patrick Henry, to reimburse £10,000, Virginia currency, which he advanced for purchasing provisions for the grand army; the said State to be accountable:

That a warrant issue on the treasurer in favour of Moses Young, assistant pay master to the Board of War and Ordnance, for 15,000 dollars; 10,000 of which is for the purpose of defraying the expences of building boats on the Susquehanna, and 5,000 towards paying off Colonel Rawling's old regiment, to be charged to Joseph Nourse, pay master, who is to account for the same:[1]

The committee appointed to prepare a letter in answer to General Washington's letter of the 4th, brought in a draught, which was read.

Sir: In Obedience to the Directions of Congress, I am to acknowledge the Receipt of your Letter of the 4th Instant.

Congress with great Concern perceive that your Sensibility is wounded by their Resolutions. Placing the firmest Confidence in your Prudence, Abilities and Integrity, they wish to preserve that Harmony with you, which is essential to the general Weal: You may rest assured that far from any Intention to give you Pain, their Resolutions have no other Motives or End, but the public Good; they, therefore hope that you will not in future be distrest by Apprehensions, as injurious to their Honor, as they are to your own Feelings.

However different the Views of Congress may seem to you now from what you supposed them to be, when you entered into your late

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 211.

Engagements with General Howe; ~~yet by strictly attending to their Resolutions, you will find they are founded in Humanity as well as Policy, and invariably regard the Dignity, Safety and Independance of these States.~~ Congress certainly had nothing in View but a proper Respect to the Dignity, Safety and Independance of these States.[1]

The Duplicity of General Howe, and authentic Information that the Gentlemen appointed by you to negotiate the Cartel, held Opinions repugnant to the Sense of Congress, constrained them in a Matter of such high Moment as forming a General Cartel, to express their Sentiments in an Explicit Manner: lest they might have only to lament, when it was out of their Power to remedy, a Misapprehension on Points, deeply affecting, in their Judgement, the Safety and Honor of these States.

Congress expected that you would consider their Resolutions of the 30th ultimo in the Light of private Instructions, calculated to show their Sense with respect to the general Outlines of the propos'd Cartel: a Practise usual with the Supreme Power of every State in similar Cases.

You observe that a strict Adherence to all the Resolutions of Congress must of Necessity destroy all Idea of a Cartel—but as a Distinction can easily be made betwixt such of the Resolutions of Congress respecting Prisoners, as flow from general Principles of Policy, and those which arise from Circumstances, which have rendered a Variation from Time to Time necessary, it is conceived that an Attention to this Discrimination, will [remove the difficulties with which you seem to be embarrassed] rid you of those Embarrassments, which you may, at first View, think yourself entangled with.[2]

The Resolution of Congress of the 19th December, respecting the Mode of Settlement for Supplies to the enemy's Prisoners, seems not to have been, sufficiently attended to. It is left at the Option of the Enemy to pay either in Coin, Dollar for Dollar, or in Provisions &c, equal in Quantity and Kind to what is furnished. Whatever Objections may be made against the first mode, there surely cannot be a more just and Equal Ratio, than the latter. General Burgoyne lately made the same Objections on this Point which occurred to you: but on being reminded of the Alternative offered by the Resolution, he acquiesced, and the victualling Ships are now actually delivering Provisions, in Payment for what they have received. [The Commissaries of Prisoners on each side may pass Receipts for the Rations received,

[1] These words were written by Joseph Reed.

[2] Words in margin by William Ellery, but not adopted.

expressing the Quantum of each Article received for the Subsistence of the Prisoners in the Power of the Contracting Parties, and the Balance may be paid in Provisions, or in Coin at the Option of either Party].[1] The Mode suggested by you is liable to this strong Objection, that it would lay us under the Necessity of furnishing the Enemy's Prisoners with us, as well as ours with theirs, with Provisions, which certainly would be a Capital Advantage to them, if we consider the Distance whence they must derive their Supplies. ~~Congress however do not wish that a general Cartel should break off for want of a strict Compliance with this Resolution: provided a Mode is adopted for subsisting Prisoners upon a Principle of Equality to the Contracting Parties, and are therefore willing to confide in your Prudence to settle finally this Matter~~

On the question to strike out [this last sentence].

Massachusetts,		
Mr. Dana,	ay	ay
Gerry,	ay	
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Huntington,	no	no
New York,		
Mr. Duer,	ay	*
New Jersey,		
Mr. Scudder,	ay	ay
Pennsylvania,		
Mr. Jas. Smith,	no	div.
J. B. Smith,	ay	
Maryland,		
Mr. Chase,	no	no
Forbes,	no	
Henry,	no	
Virginia,		
Mr. Lee,	no	*
North Carolina,		
Mr. Burke,	ay	ay
Harnett,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Georgia,		
Mr. Langworthy,	ay	ay[2]

The Resolution of the 30th December was a Measure naturally flowing from the Treason Acts, which the respective States have past in consequence of the Express Recommendation of Congress. On a Mature Deliberation, they are convinced that a Deviation from it would be subversive of our Character as an Independent People, and inconsistant with Sound Policy. No Act of Congress can suspend the Operation of the Laws of the different States, and therefore they cannot consent that any Measure should be adopted in the propos'd Cartel, which may contravene this Resolution.

[1] Words in brackets were an amendment by Duer.

[2] This vote is entered in the margin by Thomson.

It does not however appear to Congress that any Embarrassment will arise in this Matter, unless the Enemy should insist upon an Article in the rtel, "that Americans taken in Arms shall be entitled to the Benefit of an Exchange." Under the Terms of Officer for Officer, Soldier for Soldier &c which are generally used in Cartels, Traitors would no more be included by the Laws of Nations than Deserters. The carrying this Resolution into Practice can depend only on the Will of the several States, who in this respect must be presumed to be governed by Principles of Policy, of which they must necessarily be competent Judges.

~~Congress are concerned to find that an Absolute Exchange is agreed on for Lieutenant-Colonel Campbell and Lieutenant-Colonel Allen, and that General Lee is only permitted to come out on Parole. — They will however suspend their Judgement in this Matter, till they are informed whether your Commissioners were acquainted with the Resolution of Congress of the 30th ult°, previous to such Agreement~~

~~The Intention of Congress in that Resolution was, that no Exchange (general or partial, absolute or Parole) should take Place without the Order of Congress, till the Exchange of General Lee for General Prescot had been first made. — Since General Howes Propositions for a General Exchange, they deem this Preliminary not only due in Justice, to that unfortunate and deserving Officer, but essential to the Honor of these States. — I am therefore directed to inform you that it is the Unalterable Determination of Congress, that unless this Point is acceded to, all further Negotiation, whether for a general or Partial Exchange, (except in cases to be submitted to the opinion of Congress) should cease, it being in their Opinion more eligible that no Cartel should take Place, than that the Honor of these States should be sullied, and their Wisdom impeached by releasing those Officers, whom it is well known, the Enemy have been long anxious to procure, and leaving General Lee and others, whom they wish to detain, and whose Services their Country requires, at the Disposal of a Merciless Enemy.~~

~~Congress cannot but think that the Exchange of General Lee should precede (not follow) the Releasement of Colonel Campbell and the Hessian Field Officers; especially that of the latter who were made Prisoners subsequent to General Lee's Capture; and it is their Expectation, if the Exchange of Colonel Campbell is not so far concluded as to oblige you to comply with it, it may not take Place till General Lee is absolutely Exchanged for General Prescot~~

With Respect to the Resolution concerning General Lee, Congress, at his Request, are willing that you should waive his Exchange for

Major General Prescot as a Preliminary Article: it is however their Intention that no Cartel be acceded to unless it be expressly admitted therein that General Lee be exchanged for General Prescot[1]

To strike out:

Massachusetts,		
Mr. Dana,	ay	ay
Gerry,	ay	
Lovell,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Huntington,	ay	ay
New York,		
Mr. Duer,	no	*
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. Jas. Smith,	ay	ay
J. B. Smith,	ay	
Maryland,		
Mr. Chase,	no	ay
Forbes,	ay	
Henry,	ay	
Virginia,		
Mr. Lee,	no	*
North Carolina,		
Mr. Burke,	ay	ay
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	
Georgia,		
Mr. Langworthy,	no	no[2]

~~I am further directed, Sir, by Congress to inform you, that in their opinion, the late Conduct and Correspondence of General Howe, render a strict Attention to the Support of the Dignity of these Free and Independent States, at this time peculiarly necessary: and that they esteem that Dignity Injured by permitting the Enemy's Officers, Prisoners with us, to go in on Parole, before ours are sent out: a Practice admitting an Imputation of a want of good Faith on our Part, and a Perfect Confidence in an enemy whom we cannot trust: and on that Account studiously to be avoided: they therefore doubt not from your Zeal for the Honor of these States, that you will pay a strict Attention to this Matter, as nothing can tend to sink us both in our Estimation and in that of all the World, than a patient Submission to that Insolent Superiority, which our Enemies affect in carrying on this War.~~

Congress have taken Measures for purchasing such Articles of Capt: Cotteneau's Cargo as are necessary for the Army.[3]

[1] A paragraph substituted for those struck out.

[2] This vote is entered in the margin by Thomson.

[3] This draught, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 19, VI, folio 241. The letter, as sent, in the writing of Charles Thomson, and signed by Henry Laurens, is in the *Letters to Washington*, vol. 92, folio 45.

FOUR O'CLOCK, P. M.

Congress took into consideration the draught of a letter in answer to General Washington's letter of the 4th, and some progress being made therein,

A motion was made to adjourn, it being 10 o'clock.

Question put, nine states being present.

While the states were calling, Mr. [Thomas] Burke, representing the State of North Carolina, after voting in the affirmative, declared the states might vote as they pleased, he would upon his honor adjourn himself; and thereupon he immediately withdrew, by which means Congress could not proceed to business.

Mr. [Edward] Langworthy, the delegate representing Georgia, having also withdrawn,

Ordered, That the messenger wait on the members, and desire them to attend Congress.

The messenger returned, and reported, That he had delivered the message of Congress to the members. That Mr. [Edward] Langworthy replied he would return presently. That Mr. [Thomas] Burke replied, "Devil take him if he would come; it was too late and too unreasonable."

Mr. [Edward] Langworthy attended, and declared that when he withdrew, he thought Congress was adjourned; and under that opinion he withdrew.

Resolved, That a warrant issue on the Treasurer in favour of Elias Boudinot, Esq. late Commissary General of Prisoners, for four thousand seven hundred and seventeen and 14/90 Dollars in specie, and for seven thousand nine hundred and ninety eight and 32/90 Dollars Continental Currency, he to be accountable.[1]

Adjourned to 9 o'Clock to Morrow

[1]From a Treasury report, dated April 9, in the *Papers of the Continental Congress*, No. 136, II, folio 213. Thomson has noted on it, "agreed 10th," but no entry appeared in the journals.

SATURDAY, APRIL 11, 1778

A letter, of the 2, from Governor Henry, of Virginia, was read, enclosing instructions to Mr. Hawkins, whom he has appointed to purchase live stock and meat for the army:

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [Francis Lightfoot] Lee, Mr. [William Henry] Drayton and Mr. [Nathaniel] Scudder.

Ordered, That Mr. [Joseph] Reed have leave of absence for a few days, to remove his family to a place of security.

Ordered, That Colonel Cox, assistant quarter master general, employ a deputy to attend Congress, and procure good stables and provender for their horses, and proper persons to take care of the same; and that he receive from each member his just proportion of the expence.

A motion was made, that the minute made by the Secretary last evening, relative to the manner in which Congress was prevented from proceeding on business, be entered on the journal as of last evening.

Whereupon it was moved, that the consideration of this matter be postponed to Monday next. And the yeas and nays being required:

Massachusetts Bay,			*Connecticut*,		
Mr. Dana,	no	no	Mr. Huntington,	no	no
Gerry,	ay		Wolcott,[1]	no	
Lovell,	no				
Rhode Island,			*New York*,		
Mr. Ellery,	ay	ay	Mr. Duer,	no	*

[1] The manuscript journal has Wolcott; but the printed (secret) journal has Dyer.

New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. Reed,	ay	no
Roberdeau,	no	
J. B. Smith,	no	
Maryland,		
Mr. Chase,	no	no
Forbes,	no	
Henry,	ay	
Virginia,		
Mr. F. L. Lee gave no answer.		
North Carolina,		
Mr. Harnett,	ay	ay
Burke gave no answer.		
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Georgia,		
Mr. Langworthy,	ay	ay

So it passed in the negative.

The minute being read and amended,

Ordered, That the same, as amended, be entered on the journal as of last evening.

Ordered, That Mr. [Thomas] Burke be furnished with a copy of the minute relative to the manner in which Congress was last evening prevented from proceeding on business; and that he be allowed till Monday next to answer.

Mr. [Thomas] Burke having, in the course of the debate this morning, upon his conduct last evening, declared, "That he will not submit to a tyranny of a majority of this Congress, which would keep him here at unreasonable hours; that he wished to know the power of Congress over their members; that he will attend at times he thinks reasonable, but will not attend at times he thinks unreasonable, unless by force on his person." He admitted the answer reported by the messenger; but, that on his absence last evening, the members ceased to be a body, and therefore he was guilty of no rudeness to Congress; and if he was guilty of an affront, it was to individual members, and required another kind of an apology; that he was not convinced he had done any wrong; was not disposed to make any kind of apology; and if he had been guilty of improper behaviour, he will answer to his State. That he was yesterday evening unwell, and not able to attend without prejudice to his health.

Ordered, That Mr. [Thomas] Burke be furnished with a copy of the foregoing expressions, used by him in the course of the debate, and minuted; and that he be allowed to Monday next to answer thereto.

Ordered, That Mr. [Daniel] Roberdeau have leave of absence.

FOUR O'CLOCK, P. M.

A letter, of 2, from Governor Trumbull, was read:

A letter, of 3, from Joseph Trumbull, Esq. late commissary general, was read:[1]

Ordered, That it be referred to the Board of Treasury.

A letter, of 30 March, from Colonel Thomas Dyer, was read, repeating his request to have leave to resign his commission on account of his indisposition:[2]

Ordered, That his resignation be accepted.

A bill drawn by Samuel and Robert Purviance was presented to Congress for payment:

Ordered, That it be referred to the Committee of Commerce.

Resolved, That three members be added to the Committee of Commerce:

The members chosen, Mr. [William Henry] Drayton, Mr. [William] Duer and Mr. [Oliver] Wolcott.

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That five millions of dollars be emitted in bills of credit, on the faith of the United States:

That the number and denomination of the bills be as follows:

41,667 of 40	dollars,	1,666,680	41,667 of 6	dollars,	250,002
41,667 of 30	do.	1,250,010	41,666 of 5	do.	208,330
41,666 of 20	do.	833,320	41,667 of 4	do.	166,668
41,666 of 8	do.	333,328			
41,666 of 7	do.	291,662			5,000,000

[1] The letter from Governor Trumbull is in the *Papers of the Continental Congress*, No. 66, I, folio 386.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 175.

That new cuts be used for striking off and printing:

That the form of the bills be as follows:

No. Dollars.

This bill entitles the bearer to receive Spanish milled dollars, or the value thereof in gold or silver, according to a resolution passed by Congress, at York, 11 April, 1778.

That each denomination or class of bills be numbered from number one progressively:

That the thirteen United States be pledged for the redemption of the bills of credit now ordered to be emitted:

That all powers and duties of Michael Hillegas, Esq. and of the inspectors of the press, signers and printers of the last emission, shall extend to the said five millions now to be emitted, subject, however, to such directions and instructions as the Board of Treasury may judge expedient.[1]

The Committee on the Treasury brought in a farther report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the Marine Committee, for 10,000 dollars, to be transmitted to William Smith, Esq. at Baltimore, for the purchase of flour and iron for the use of the navy in the eastern department.

That another warrant issue on the treasurer in favour of the same committee, for 800 dollars, in part payment of wages due Daniel Stoddard, master builder of the frigates in Virginia.

That a Warrant issue on William Armistead, Esq. commissioner of the Loan Office in the State of Virginia, in favor of the Marine Committee, for Eight Thousand Dollars, for the use of Messrs. Maxwell and Loyall, superintendants of the frigates building in Virginia, all which sums, amounting to Eighteen Thousand Eight Hundred Dollars are to be charged to the said Marine Committee.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 217.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 215. Against the last paragraph Laurens wrote: "Postponed by desire of the Marine Commitee, 11 April."

The member from North Carolina [Thomas Burke] having offered a paper to Congress, as his answer to the charge against him, a debate thereon ensued, in which the same member, having made use of expressions which were deemed exceptionable, as charging Congress with a combination against him, he was called to order; whereupon he said, "I do believe, that that gentleman from New York and others, are in a combination against me in this business." These words being taken down, and read by the President, the member from North Carolina acknowledged they were truly taken down.

Mr. President: I received the proceedings of the house with respect, and (protesting that until the laws of the State I represent shall expressly declare the contrary, I shall hold myself accountable for my conduct in Congress to that State, and no other power on earth,) I shall use the freedom which according to my idea belongs to a Republican, and a representative of a Sovereign people in the answers I shall make. I consider the minutes of the 10th of April as a charge of a breach of order in the thing, and a contempt in the manner. I admit that withdrawing without the permission of Congress is a breach of order, and I hold that no member can deny his personal attendance at reasonable hours or even his sentiments on any question debated before him, except by special leave of the house, without incurring the penalties on misbehavior in office, and I have only to alledge *in excuse* that I had so uniformly observed the members of Congress withdraw themselves at pleasure from attendance on Congress, and without reprehension, that I thought it not improper to use a liberty which had been denied, as I conceived, to no other member, when I deemed the subject of too much importance to be debated and determined, at a time when the faculties of the members were tired by the attendance of a whole day, and when my own particular indisposition rendered me incapable of giving that attention which I thought my duty to my constituents required.

As to the manner, I am not conscious of having intended a contempt. I did not, nor do I now admit that less than nine States can make a Congress. I understood not that the message came from the President, but deemed that it came from Colonel Duer, whose name the messenger particularly mentioned, from whom he delivered a private message to the delegate from Georgia, requesting his company as a

favor, and to whom I intended my words should be conveyed. Before my departure, I heard Mr. Lovell from Massachusetts say to the House, "there is no further occasion to call the states, this declaration is decisive;" in which I thought the House acquiesced, and that the adjournment was compleat. The Delegates from Georgia, who always answered the last in order, accompanied me under the same persuasion. With respect to the minutes of the eleventh, protesting that as a delegate representing a free and sovereign people, I am entitled to entire freedom of debate, I say that the expressions minuted were accompanied with and explained by other expressions not minuted, which declared my sense to be, that Congress have a power so far as to enforce the attendance of the members, that if the hours of attendance were ascertained by Congress I would punctually attend but if not I must use my own judgment at the risk of any consequent punishments as to the time being reasonable when my presence is required; that I am at all times ready and willing to submit my conduct and opinions to my constituents, in whose justice I have the firmest confidence, and to whom I owe as a duty, to prevent, if I can, the decision of important matters, when members cannot duly attend them, that conviction of error always did, and always shall precede concession with me.

That (abstracts [apart] from the breach of order under consideration which I meant not to justify, but excuse) my general political opinions were, that undue or unreasonable exercise of any power tho' lawful power, is Tyrranical, and that no freeman is bound to submit to it. That every freeman must use his own judgment on it before he determines to disobey, for until he does disobey there can be no subject for any other judgment and it remains for his Country to decide whether he is mistaken or not, and if he is, he incurs the penalties provided by Law.

That it is Criminal in members of Congress to withhold their attendance when the public safety requires it, but that they are to be judged and punished by the Laws of the State they represent, and no other power.

These sentiments however expressed, I avow, and as to the language, I know no obligation I am under to use a courtly Stile. My expressions are usually what first occur and in this instance were not intended to offend.

I shall only add that I mean not by any thing I have here said to submit myself to any Jurisdiction, but that of the State I represent, such submission being in my Idea injurious to the majesty thereof;

nor do I mean to forego any of my own rights as a citizen entitled to the benefit of the Laws and Constitution of the free State of North Carolina.

THOMAS BURKE.

The above writing I compared with Mr. Burke's defence and it contains the express words spoken or read by him in Congress. Witness by my hand. *Corn. Harnett.* York, April 13th, 1778.[1]

WAR OFFICE, *April 11, 1778.*

Present, General Gates, General Mifflin, Colonel Pickering, and Mr. Peters.

Agreed to report to Congress:

Resolved, That a committee be appointed to confer with Colonel William Butler relative to the state of fort Pitt, and the troops employed there and in the neighbouring country; also concerning the magazines of provisions laid up in different places by Colonel George Morgan.[2]

Adjourned to 9 o'clock to morrow [on Monday].

MONDAY, APRIL 13, 1778

A letter, of 28 March, and one of 3 April, from William Aylett, enclosing a letter of 1, from Governor Henry, of Virginia, were read:

Ordered, That the same be referred to a committee of of three:

The members chosen, Mr. [Francis Lightfoot] Lee, Mr. [William Henry] Drayton, and Mr. [Nathaniel] Scudder.

A letter, of the 10, from General Washington, enclosing extracts of letters from General Putman, General M'Dougall, and Colonel Shreve, was read:[3]

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [Samuel] Chase, and Mr. [Francis] Dana.

[1] *North Carolina Colonial Records*, 13, 87.

[2] This report is in the *Papers of the Continental Congress*, No. 147, II, folio 7.

[3] This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 439.

The committee to whom was referred the letter from Brigadier Smallwood, brought in a report, which was read:

Ordered, That it be re-committed, and that the committee be instructed to prepare a letter to the State of Delaware, acquainting them of the grounds on which Congress proceeded in their late order to Brigadier Smallwood, to seize Thomas White, Charles Gordon, &c.

Resolved, That the Board of War be directed forthwith to employ proper persons accurately to examine the river Susquehanna and its several fords, from the mouth to Harris's Ferry, and to report their opinion to the Board, which of the fords it would be most advisable to secure, and which wholly to obstruct, and at what places the boats on the river can be best secured; and the Board are directed to give the necessary orders, and take the most effectual measures to secure the several passes and fords on the river, and to procure a survey of Octorara, Pequea and Conestoga creeks.

Resolved, That to morrow be assigned for electing a secretary to the Board of War and Ordnance.

Resolved, That the commissioners of the United States in France be authorized to determine and settle with the house of Roderique Hortales & Co., the compensation, if any, which should be allowed them on all merchandise and warlike stores, shipped by them for the use of the United States, previous to the 14 day of April, 1778, over and above the commission allowed them in the 6th article of the proposed contract between the Committee of Commerce and John Baptiste Lazarus Theveneau de Francey.

Congress resumed the consideration of a draught of a letter in answer to a letter of the 4th, from General Washington, and some progress being made therein,

Ordered, That the farther consideration thereof be postponed to the afternoon.

FOUR O'CLOCK, P. M.

Mr. Richard Hutson, a delegate from South Carolina, attended and took his seat:

The delegates of Pensylvania, to whom were referred the letter from Colonel Hartley, and representation from the Board of War, report a resolution of the general assembly of Pensylvania, granting, agreeably to the proposal of Congress, permission to Colonel Hartley to inlist men for his battalion within that State, and allowing the men, so recruited, the bounty granted by the State to soldiers inlisted for their regiments, the men to be considered as a part of the quota of the said State.

The committee appointed to revise the rules and orders for the conduct of business in Congress, brought in a report.

Congress resumed the consideration of the letter in answer to General Washington's letter of the 4th, and sundry amendments being made, the letter was approved:

Ordered, That a copy be made out, and that the same be signed by the President, and transmitted to the General.

A motion was made, that it be declared in the letter that Congress cannot consent to any exchange on parole, and have therefore ordered the officers in our hands to wait the settlement of a general cartel:

The yeas and nays being required,

Massachusetts Bay,		
Mr. Dana,	no	no
Gerry,	no	
Lovell,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Huntington,	no	no
New York,		
Mr. Duer,	no	*
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. J. B. Smith,	no	no
James Smith,	no	
Maryland,		
Mr. Chase,	ay	div.
Forbes,	no	
North Carolina,		
Mr. Burke,	no	no

South Carolina,			*Georgia*,	
Mr. Laurens,	no	no	Mr. Langworthy,	no } no
Drayton,	no			

So it passed in the negative.

Resolved, That the prisoners who are detained at Lancaster, be sent forward, agreeably to the orders given by the commissary general of prisoners.

Adjourned to 9 o'Clock to Morrow.

TUESDAY, APRIL 14, 1778

A letter, of 9, from the Board of War, enclosing sundry affidavits relative to the flag stopped at Lancaster, was read:

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [William Henry] Drayton, and Mr. J[onathan] B[ayard] Smith.

The committee to whom were referred sundry letters from General Howe to General Washington, brought in a report:

Ordered, That it be re-committed to the foregoing committee.

A memorial from the general assembly of Pensylvania, relative to forts built in the county of Westmoreland and provisions laid up there, was read:[1]

Ordered, That it be referred to the Board of War.

Congress resumed the consideration of the report of the committee appointed to confer with Mr. Wadsworth; Whereupon,

Whereas, it is expedient for the service of the United States, that the Department of Commissary General should be so regulated ~~as to~~

[1] This memorial, dated April 2, is in the *Papers of the Continental Congress*. No. 41, VIII, folio 50.

~~induce Men of Integrity and worth to enter into it~~ as to hold out the best prospect of procuring the ends of that establishment; it is therefore

Resolved, That the commissary general of purchases have full power to appoint and remove every officer in his department:[1]

That the commissary general shall, from time to time, as the service may require, visit the armies and posts of the United States, and be subject to the orders of the Commander in Chief:

That the commissary general shall not be obliged to reside at the place where Congress sit, but he shall there keep an office, to which all general returns in his department shall be made, and which shall be under the inspection and direction of the Board of War; every officer necessary to that office being daily allowed one ration of provisions; office rent, fire wood, candles, paper, wax, wafers and quills, being furnished at the expence of the United States:

That the commissary general, or his clerk at the office of general returns, shall receive from the treasury, by warrant in the usual manner, all sums of money necessary for the service of his department, and shall be entitled to receive one half per cent. on all sums by him paid to the deputy commissaries general for the public service, who, in their respective districts, shall furnish the necessary sums of money to the purchasing commissaries in such districts: each deputy commissary general shall be entitled to receive one half per cent. upon all sums of money by him paid to the purchasing commissaries in his district; and also three rations of provision when in camp: each purchasing commissary shall be entitled to receive a commission, not exceeding two per cent. upon

[1] This paragraph was rejected, but later restored and agreed to.

all sums of money by him laid out in the discharge of his office: and the commissary general and his deputies shall be allowed forage for their horses, when at any post where there is forage for the service of the United States, and shall have their horses shod at any shop belonging to the United States:

That money for the use of the commissary general's department, shall be transmitted from the commissary general's office to the respective deputy commissaries general, and expresses sent on the necessary business of that department at the expence of the United States.

Postponed.

That no person acting in the commissary General's department ought, while in that department, to be liable to militia duty.

That it be recommended to the governments of the several states to exempt from militia duties all persons, who are, bona fide, engaged in the commissary general's department:

That the commissary general shall appoint an assistant to reside at head quarters, under the orders of the Commander in Chief: the assistant shall be entitled to receive a daily pay of five dollars, an allowance of rations, two for himself and one for his servant, forage for two horses, which shall be shod at the expence of the United States:

That the commissary general, the deputy commissaries general, and the purchasing commissaries respectively, shall provide teams and drivers for transporting provisions at the expence of the United States, when teams and drivers for such services cannot, in due time, be obtained from the quarter master general's department:

That the commissary general shall assign to the several purchasing commissaries, their respective districts for the sphere of their purchases, out of which they shall not make any purchase for the United States, nor into which they shall give any encouragement for the bringing any

commodities from any other purchasing commissary's district, unless thereto expressly authorized by the commissary general or deputy commissary general of the district:

That each purchasing commissary, upon his entrance into office, shall take an oath before some magistrate, "that he will not directly nor indirectly take any measure, nor cause or countenance any to be taken, to raise the price of any articles within the view of the commissary general's department; that he will use his best skill and judgment in purchasing, on the most reasonable terms, on account of the United States, and that he will give to the commissary general, from time to time, the earliest information of such frauds and abuses in his department as shall come to his knowledge:" [and the affidavit so taken shall be returned to the commissary general, and by him lodged in the war office:][1]

That all persons in the commissary general's department shall take bills of parcels for all the articles by them respectively purchased, receipts for all the monies by them respectively paid, and receipts for all articles delivered, to be produced as necessary vouchers at their several settlements:

That the purchasing commissaries shall make monthly returns to the deputy commissaries general of their respective districts, of their purchases and the prices paid, and shall settle their accounts once in six months:

That the deputy commissaries general shall, once in every two months, make their returns to the commissary general's office of general returns, and shall settle their accounts at that office whenever required to do so by the commissary general:

That every three months the commissary general shall render to Congress an account of his receipts and expenditures, and every nine months a state of the general

[1] These words were inserted by Henry Laurens.

returns of his department, and such account and state shall be returned at such other times as Congress shall require:

That any Deputy Commissary General or Purchasing Commissary transgressing any part of these regulations, having by his superior been enabled to comply with them in consequence of proper advances of money, shall for the first offence be removed from office.

That all former regulations of Congress, relative to the department of the commissary general of purchases, which interfere with the foregoing resolutions, be repealed.[1]

The committee to whom the letter from Governor Henry, of Virginia, together with a contract made by him with Mr. Hawkins for the purchase of cattle, was referred, brought in a report; Whereupon,

Resolved, That Mr. Hawkins proceed to purchase beef, cattle and bacon, agreeably to his contract with Governor Henry; and that Mr. Aylett, present deputy commissary general of purchases, be desired to continue to execute the remaining duties of his office, until Colonel Wadsworth, commissary general, shall give further orders with respect to that department.[2] That Mr. Wadsworth be directed to transmit money to Governor Henry, of Virginia, to enable Mr. Hawkins to go on with his purchases.

The committee to whom was referred the letter of the 10th, from General Washington, brought in a report, which was taken into consideration; after debate,

Ordered, That the farther consideration thereof be postponed till to morrow.[3]

Adjourned to 9 o'Clock to Morrow.

[1] This report, in the writing of William Henry Drayton, save the last paragraph, which is in that of William Duer, is in the *Papers of the Continental Congress*, No. 29, folio 111. It is endorsed: "Read 3d April. Debated on commission, and postponed till Committee from camp arrives in Congress."

[2] To this point the report in the writing of Francis Lightfoot Lee, is in the *Papers of the Continental Congress*, No. 29, folio 115.

[3] It was postponed on the request of Pennsylvania.

WEDNESDAY, APRIL 15, 1778

A letter, of 13, from Mr. R. Morris, and one of the 8th, from John Swanwick, were read;[1]

Ordered, That they be referred to the Board of War.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of the Committee of Commerce, for 5,231 83/90 dollars, to enable them to pay a bill for that sum drawn on them by Samuel and Robert Purviance; the said committee to be accountable.[2]

Resolved, That George Campbell, Esq. be appointed a manager of the United States' lottery.

The Committee on the Treasury brought in a report respecting the establishment of a new Board of Treasury, which was read:

The Board of Treasury agree to Report the following Plan of a New Board:

That a Board to consist of five Members, not of Congress, be appointed to superintend the affairs of the Treasury, and that three be a quorum.

That it be the Duty of the Board to examine from time to time the State of the Treasury, prepare Estimates of the Publick expence and report thereon to Congress.

To superintend such Emissions of Bills of Credit, Bills of Exchange, and Loan Office Certificates as may be ordered by Congress, and to furnish Materials and employment to persons for conducting this Business.

To deliver the said Bills and Certificates to the Treasurer, taking his receipt for the same.

To direct the affairs of the Loan and Lottery offices, and all persons acting in these Departments.

[1]The letter of Morris is in the *Papers of the Continental Congress*, No. 137, Appendix, folio 229; that of Swanwick, in No. 78, xx, folio 203.

[2]This report, dated April 13, is in the *Papers of the Continental Congress*, No. 136, II, folio 221.

To see that the publick accounts are properly liquidated and kept.

To transact such other matters as may be referred to them by Congress and keep fair Records of all their proceedings.

That for these purposes the Board of Treasury shall keep an office in the City or place where Congress shall from Time to Time hold their Sessions, the necessary Expences of which shall be defrayed by the Publick.

That an Auditor and Deputy Auditor General be appointed by Congress.

That it be the Duty of the Auditor, or in his absence of the Deputy Auditor General, to direct the stating, arranging and keeping the publick accounts subject to the controul of the Board of Treasury.

That the Board be authorised to appoint a sufficient Number of Commissioners, Auditors and Clerks for liquidating the publick accounts, and instruct them in the Duties of their respective offices; and that they discharge from time to time such of the said officers as they may judge expedient, reporting to Congress the Names of the Persons so appointed or discharged.

That all Contracts, Securities and obligations entered into or taken by Congress or the Board, shall be lodged or kept in the Treasury office of accounts, and that all persons to whom publick Monies have been or shall be advanced or paid by Congress, shall be Charged with the same in the Books of the office, for which purpose every warrant on the Treasurer, or any of the Commissioners of the Loan offices, which shall Issue after the Treasury office shall be opened, shall previous to its being paid be entered at the said office, and the entry certified on the Warrant by a Member of the Board, the Auditor, or Deputy Auditor General.

That no receipt of the Treasurer for publick Monies shall be admitted as a Voucher before it is entered at the Treasury office, and the Entry certified thereon, as aforesaid.

That all Assemblies, Conventions, Councils and Committees of Safety, Commissioners, Paymasters, and others entrusted with publick Money, shall, within a reasonable time after being called upon for that purpose by the Board of Treasury, produce their Accounts and Vouchers in order to their being adjusted and settled.

That the Board of Treasury shall be authorised to call on any officer of the United States for such Materials and Information as the Board may judge useful in stating, explaining or settling the publick accounts.

That each Member of the Board of Treasury, the Auditor, and Deputy Auditor General and Clerks before entering upon their office, shall respectively take an Oath, to be administered to the Board by the president of Congress, and to the other officers by some one or more of the Members of the Board, Certificates whereof shall be filed in the Treasury office, "well and faithfully to execute the Trust reposed in them as Members of the Board, Auditor, or Clerk" as the case may be, "according to the best of their Skill and Judgments, and to disclose no matter, the knowledge of which shall be acquired in Consequence of such their Office, or which they shall be directed to keep secret."

That Dollars per Day be allowed to each Member of the Board of Treasury; Dollars per Day to the Auditor General; and the same allowances to the Deputy Auditor General, Commissioners of Accounts, Auditors of the Army, and Clerks, as are already provided by Resolutions of Congress.[1]

Ordered, That the consideration thereof be postponed to Friday next.

The committee appointed to prepare a letter to the State of Delaware, brought in a draught, which was read, amended, and agreed to:

Sir: Congress are acquainted by General Smallwood, that their late order to him to secure the Persons of Thos. White, and Chas. Gordon, and others of your State whose going at large he might deem dangerous, and to send them to a Place of security, has given some disgust to your Government, and that an Habeas Corpus is granted to procure their Discharge. I am directed to inform You of the Grounds of the above order, ~~and doubt not of an Acquiescence in a Measure whose only Motive was~~ the object, of which were the security of your State, and ~~a proper Attention to~~ the safety of the other States. ~~It is an incontrovertible fact~~ Congress had received information, on which they rely, that a very great Majority of the Inhabitants of Kent and Sussex and a ~~considerable~~ Part of New Castle, are disaffected, and many of them avowed and bitter Enemies to our Independance. Congress esteem themselves bound in Duty to watch over and to endeavor to pre-

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 223. It is endorsed: "Read, A. M. 15 April. Ordered for 17th. Read again, and postponed to 1st June. Resumed 30 July. Referred to a committee of five, viz: Morris, Gerry, Witherspoon, Telfair, R. H. Lee."

serve the general Welfare; ~~they will not interfere with the Police of any of the States, or lay Hands on any of their Subjects, unless any State should become disaffected [in Cases of extreme necessity and from that disaffection be rendered incapable] or unable to execute its own Government! the Exercise of Power in these Circumstances, or during the Time of an Invasion cannot be drawn into Precedent in Time of Peace~~.

~~Congress repose the greatest Confidence in the assembly and executive of your State, composed at present of Gentlemen well attached to the Common Cause, but Congress deemed the Power of your State inadequate from the very great Inequality between the Whigs and Tories, and were apprehensive if your Executive attempted to seize the Leaders of your Malignants that your Weakness would be discovered and that you would become more odious to those whom you cannot govern.~~ and have heretofore exercised similar powers in the other States without giving any offence.

A. The clause opposite this letter was amended in this manner:

"They will not interfere with the police of any of the States, or lay hands on any of their Subjects, unless in cases of extreme necessity."

And a Motion being made to expunge the paragraph as amended:[1]

Mr. Dana	ay	Mr. Chase	ay
Mr. Lovell	ay	Mr. Henry	ay
Mr. Ellery	ay	Mr. Lee	ay
Mr. Huntington	ay	Mr. Burke	ay
Mr. Wolcot	ay	Mr. Harnet	ay
Mr. Duer	no	Mr. Laurens	ay
Mr. G. Morris	ay	Mr. Drayton	no
Mr. Scudder	ay	Mr. Hutston [Hutson]	no
Mr. Jas. Smith	ay	Mr. Langworthy	no[1]
Mr. J. B. Smith	ay		

Ordered, That a copy of the said letter be made out and signed by the president, and transmitted to the president of the State of Delaware.

Resolved, That Congress approve of Brigadier Smallwood's conduct in apprehending Thomas White and

[1] These paragraphs are endorsed on the report by Charles Thomson. The draught, in the writing of Samuel Chase, is in the *Papers of the Continental Congress*, No. 20, II, folio 209.

Charles Gordon, by virtue of their order of the 26th March last.

Resolved, That a committee of three be appointed to prepare and report terms to be offered to such foreign officers and soldiers in the service of the king of Great Britain, as shall quit that service and chuse to become citizens of any of the United States of America:

The members chosen, Mr. [Samuel] Chase, Mr. [Francis] Dana, and Mr. G[ouverneur] Morris.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the commissioner of the loan office in the State of Pensylvania, in favor of the president and council of the said State for the sum of 20,000 dollars, to be by them put into the hands of proper persons for the purpose of purchasing horses in the said State, for the use of the army of the United States; the said State to be accountable:

On question negatived.

Resolved, That a warrant issue in favor of Joseph Trumbull Esq. late Commissary General on the Loan Office of the State of Connecticut for one hundred thousand Dollars, to enable him to discharge the Debts which he contracted for the Public, while acting in that Department, and for which he is to be accountable.

That a warrant issue on the commissioner of the loan office in the State of Pensylvania, in favor of Thomas Reed, assistant pay master general, to discharge General Washington's draught on William Palfrey, pay master general, in favor of Clement Biddle, commissary general of forage, for 10,666 2/3 dollars; dated at camp, the 21st of January last:

That a warrant issue on the commissioner of the loan office in the State of Pensylvania, in favour of John Gibson, auditor general, for the sum of 61,631 1/3 dollars, to

enable him to discharge the residue of a warrant drawn on him by the President of Congress, dated the 14th of September last, in favour of the supreme executive council of the State of Pensylvania, for the sum of two hundred thousand dollars.[1]

FOUR O'CLOCK, P. M.

Mr. [Charles] Carroll, a delegate from Maryland, attended, and took his seat in Congress.

Congress resumed the consideration of the report of the committee on General Washington's letter of the 10th; Whereupon,

Resolved, That General Gates be directed forthwith to repair to Fishkill, on Hudson's river, and take the command [of all troops which now are, or shall be collected and stationed at the posts on that river, and in the whole][2] northern department; and immediately take effectual measures to secure the communication with the eastern states, by maintaining the possession of Hudson's river; and for that purpose, that he be empowered to provide such a number of gallies, gun-boats, fire-rafts, chains, cassoons, and chevaux-de-frize, and erect such fortifications as he may judge necessary, taking care that the fortifications be not too extensive, and also to carry on operations against the enemy if any favorable occasion should offer:

That to enable him to carry into execution the purpose aforementioned, General Gates be authorized to call for militia and artificers from the states of New York, Connecticut, Massachusetts bay, and New Hampshire; and in case the enemy shall evacuate Rhode Island, from that State also; and it is hereby earnestly recommended to the said states, to afford every assistance in their power, as

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 231.

[2] Words in brackets were inserted by William Ellery.

well in sending forth their militia in such numbers, and for such time, as General Gates shall think proper, as in furnishing artificers, materials and other necessaries for fortifying and obstructing the said river:[1]

That General Gates be directed, from time to time, to afford every assistance in his power in forwarding the draughts and other reinforcements destined for the main army.

Resolved, That a committee of three be appointed to prepare a draught of instructions to Major General Gates:

The members chosen, Mr. G[ouverneur] Morris, Mr. [Francis] Dana, and Mr. [William] Duer.

A memorial from Mons. Mondret, was read:

Ordered, That it be referred to the Marine Committee.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of William Buchanan, Esq. late commissary general of purchases, for 200,000 dollars, for the use of the commissary's department in the middle district; for which he is to be accountable:

That a warrant issue on the treasurer in favor of James Forbes, Esq. delegate from Maryland, for 700 dollars, advanced upon his application, and to be charged to the said State.[2]

A letter, of the 9th, from Governor Livingston, of New Jersey, with the copy of a petition from the officers, civil and military, of the county of Cumberland, was read:[3]

Ordered, That it be referred to the committee on the representation from the general assembly of New Jersey,

[1] This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 19, II, folios 383 and 389. It is endorsed "debated 14 A. M. Postponed by Pennsylvania."

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 221a.

[3] This letter is in the *Papers of the Continental Congress*, No. 68, folio 351.

and that Mr. G[ouverneur] Morris be added to the said committee.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, APRIL 16, 1778

Resolved, That a commission of captain be granted to Mr. Capitaine, in the corps of engineers, in the service of the United States of America, and that he rank from the 1st of December, 1776.

The Committee of Commerce report, that they have executed the contract with Mr. Francey, agent to Mr. Beaumarchais, representative of the house of Roderique Hortales & Co. agreeably to the order of Congress, and that the same is signed by William Ellery, James Forbes, William Henry Drayton, and William Duer, members of the Committee of Commerce:

Ordered, That the duplicate of the agreement entered into between the Committee of Commerce and Mr. Francey, be lodged with the said Committee.

Resolved, That Mr. William Bingham, agent of the United States of America, now resident in Martinique, be authorized to draw bills of exchange at double usance on the commissioners of the United States at Paris, for any sums, not exceeding in the whole, 100,000 livres tournois, to enable him to discharge debts by him contracted on account of the said states; for which draughts he is to be accountable.

Resolved, That nothing contained in the system for the commissary general's department, shall be construed to make the commissary general liable for the misapplication of money for the use of his department, by any inferior officer in that department, provided that he shall

take bonds from the deputy commissaries general and assistant commissary general, respectively appointed by him, with not less than two good and sufficient securities, in the sum of twenty thousand dollars, to be by him lodged in the treasury office: and the said deputy commissaries shall be exonerated of all sums of money by them respectively paid to the purchasing commissaries, provided they shall take bonds from the said purchasing commissaries respectively, with not less than two good and sufficient securities, in the sum of ten thousand dollars, which bonds they shall lodge in the said treasury office.

The yeas and nays being required,

Massachusetts Bay,		
Mr. Dana,	no	*
Gerry,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Huntington,	ay	ay
Wolcott,	ay	
New York,		
Mr. Duer,	ay	div.
G. Morris,	no	
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. J. B. Smith,	no	div.
James Smith,	ay	
Maryland,		
Mr. Chase,	ay	no
Carroll,	no	
Forbes,	no	
Henry,	no	
North Carolina,		
Mr. Burke,	no	div.
Harnett,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Hutson,	no	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

Congress resumed the consideration of the report of the committee of the whole, respecting an allowance to officers after the war; Whereupon,

The letters of 24 March and 10 April, from General Washington, so far as they respect this matter, were called for and read, and a motion was made, that such

parts of the said letters as relate to the making an establishment for officers in the army, be entered on the journals; upon which the previous question was moved, whether that question be now put; and the yeas and nays being required,

Massachusetts Bay,		
Mr. Dana,	no	no
Gerry,	no	
Lovell,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Huntington,	no	no
Wolcott,	no	
New York,		
Mr. Duer,	ay	ay
G. Morris,	ay	
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. J. B. Smith,	no	no
James Smith,	no	
Maryland,		
Mr. Chase,	ay	ay
Carroll,	ay	
Henry,	ay	
North Carolina,		
Mr. Burke,	no	div.
Harnett,	ay	
South Carolina,		
Mr. Laurens,	no	ay
Drayton,	ay	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	ay	ay

So it passed in the negative.

Mr. Thomas Adams, a delegate from Virginia, attended, and took his seat in Congress.

An amendment was moved in lieu of the whole report as follows:

Congress, however desirous of giving every reasonable encouragement to officers of the army who bravely hazard their lives in defence of their country, and however anxious to make an honorable provision for them after the close of the war, being apprehensive of the consequence of a military establishment, especially without knowing the sense of their constituents on a subject of such high importance:

Resolved, That the proposed plan for a military establishment be postponed, and that a letter be addressed to

the several states, and that they be requested to take into their most serious consideration, and give their opinion on the following questions:

1. Whether some provision ought not to be made for the officers of the continental army after the conclusion of the war?

2. Whether that provision should be for life, or for a term of years?

3. Whether any provision should be made for the widows of such as have fallen, or shall fall in battle, or die in captivity, or in the service?

4. Whether some farther compensation or reward ought not to be granted to the privates who continue in the continental army till the close of the war?

A previous question being moved, whether that question be now put, and the yeas and nays required, a member declined to answer, alleging he was warranted so to do by the practice of the house;

Whereupon, the resolution of the 26 August last, was called for and read; and thereupon,

Resolved, That when a member is called upon to answer ay or no, he may not of right withhold his voice.

The yeas and nays being then taken on the previous question:

Massachusetts Bay,		
Mr. Dana,	no	no
Gerry,	no	
Lovell,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Huntington,	ay	ay
Wolcott,	ay	
New York,		
Mr. Duer,	no	no
G. Morris,	no	
New Jersey,		
Mr. Scudder,	ay	ay
Pennsylvania,		
Mr. J. B. Smith,	ay	div.
James Smith,	no	
Maryland,		
Mr. Chase,	no	no
Carroll,	no	
Forbes,	no	
Henry,	no	

Virginia,			*South Carolina*,		
Mr. F. L. Lee,	no	no	Mr. Laurens,	ay	ay
Banister,	no		Drayton,	no	
T. Adams,	no		Hutson,	ay	
North Carolina,			*Georgia*,		
Mr. Burke,	no	no	Mr. Langworthy,	no	no
Harnett,	no				

So it passed in the negative.

The Committee on the Treasury beg leave to report the following Resolution:

Resolved, That a Warrant Issue on the Treasurer in favour of James Bryson for Three thousand Dollars, to be by him delivered to Richard Bache, Esq., Postmaster general, for the use of his Department, and for which he is to be accountable.[1]

Adjourned to 9 o'Clock to Morrow.

FRIDAY, APRIL 17, 1778

Resolved, That Mr. T[homas] Adams be added to the Committee of Commerce.

A report from the Board [of War] was read; Whereupon,

Resolved, That Brigadier Stark be employed in the northern department, under the command of General Gates.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That 500 dollars be paid to John Brown, for the use of Robert Morris, Esq. to discharge four bills of 125 dollars each, drawn by John Ashe, treasurer of North Carolina, dated 10 May last, in favour of James Payneville; the State to be charged therewith:

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 233.

That 1166 60/90 dollars be advanced to Cornelius Harnett, Esq. a delegate from North Carolina, upon his application, and charged to the said State:

That 30,000 dollars be advanced to Dr. Potts, and that a warrant issue in his favour on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pennsylvania, for the farther sum of 70,000 dollars, for the use of the hospital in the middle district; for which sums the said Dr. Potts is to be accountable:

That 1,500,000 dollars be advanced to Jeremiah Wadsworth, Esq. commissary general of purchases, for the use of his department, he to be accountable.[1]

Resolved, That the president and supreme executive council of the commonwealth of Pensylvania, be requested to order the commissioners by them appointed to make purchases of wheat and flour, to desist in making any further purchases of those articles, and to make returns forthwith to Mr. Wadsworth, commissary general of purchases, and to the Board of War of the purchases they have made.

The committee to whom was referred the representation of the council and assembly of New Jersey, brought in a report; Whereupon,

Resolved, That so much of the representation as relates to the supporting that State with a body of continental troops, be submitted to General Washington, commander in chief:

That the State of New Jersey be requested to complete only three regiments of infantry, in the manner recommended by the resolutions of 26 February last, and that the committee of Congress, lately at camp, do arrange the officers of the said State accordingly.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 235.

[2] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 20, I, folio 315.

A letter from the Board of War was read; Whereupon,

Resolved, That the Board of War be empowered to order and appoint general courts martial as often as occasion requires, for trying officers and others under arrest, agreeably to the rules and articles of war, in the place where Congress may sit, and that the said courts report their proceedings to the Commander in Chief.

Congress resumed the consideration of the report of the committee of the whole, and the first paragraph being read, a motion was made,

"That an establishment of half pay be made for the military officers commissioned by Congress who now are, or hereafter may be, in the service of these states, and shall continue therein during the war, and who shall not be annexed to any corps of established troops, or hold any office of profit under the United States, or any of them; and that such establishment take place after the conclusion of the present war:"

Whereupon, the agreement entered into the 1st inst. was called for and read, and thereupon a question was moved and put, whether that motion is in order, consistent with the said agreement and the subsequent decision of Congress, that the report of the committee of the whole should not be entered on the journal?

And the yeas and nays being required,

Massachusetts Bay,		
Mr. Dana,	no	*
Lovell,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Huntington,	no	no
Wolcott,	no	
New York,		
Mr. Duer,	ay	ay
G. Morris,	ay	
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. J. B. Smith,	no	div.
James Smith,	ay	
Maryland,		
Mr. Chase,	ay	ay
Carroll,	ay	
Forbes,	ay	

Virginia,			*South Carolina*,		
Mr. F. L. Lee,	ay	ay	Mr. Laurens,	no	no
Banister,	ay		Drayton,	no	
T. Adams,	ay		Hutson,	no	
North Carolina,			*Georgia*,		
Mr. Burke,	ay	ay	Mr. Langworthy,	ay	ay
Harnett,	ay				

So it was resolved in the affirmative.

The motion was then received and read by the President, and after debate,

Resolved, That the farther consideration thereof be postponed till to morrow.

Ordered, That Mr. [James] Forbes have leave of absence.

Ordered, That Mr. [Thomas] Burke have leave of absence.

Adjourned to 9 o'Clock to Morrow.

SATURDAY, APRIL 18, 1778

Mr. [George] Plater, a delegate from Maryland, attended, and took his seat in Congress.

Whereas, Joseph Trumbull, Esq. who was elected a member of the Board of War, is, on account of his ill state of health, unable to attend his duty at that Board, and therefore desirous to resign:

Resolved, That his resignation be accepted.

A memorial from Joseph Carson, was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [John] Banister, Mr. [Charles] Carroll and Mr. [Samuel] Huntington.

The Marine Committee brought in a report; Whereupon, Congress came to the following resolution:

Whereas, it is expedient that a speedy enquiry be made into the causes of the loss of the *Virginia* frigate, and a competent number of officers belonging to the navy cannot, at present, be obtained for that purpose:

Resolved, That the navy board in the middle district, with William Smith, Esq. of Baltimore, and Stephen Stewart, Esq. of West river, in the State of Maryland, or any three of them, be, and they are hereby appointed and fully authorized to make a strict enquiry and examination into the causes of the loss of the said frigate, and the conduct of James Nicholson, late commander of the said frigate; and that to that end they repair to Baltimore as speedily as possible, and call before them the said James Nicholson, and examine all persons, evidences and papers necessary, and make report of such their enquiry, together with the evidences, to the Marine Committee, to be laid before Congress.

The committee to whose decision, in conjunction with General Washington, the appointment of the officers of Brigadier Count Pulaski's corps was referred, brought in a report; Whereupon,

Resolved, That Michael de Kowatz be appointed colonel commandant; Count Julius de Mountfort, major; John de Zielinske, captain of lancers.[1]

Resolved, That General Washington be authorized and directed forthwith to convene a council, to consist of the major generals in the State of Pennsylvania, and the general officer commanding the corps of engineers, and with the advice of the said council to form such a plan for the general operations of the campaign as he shall deem consistent with the general welfare of these states:

That Major Generals Gates and Mifflin, members of the Board of War, have leave to attend the said council.

The Committee on the Treasury brought in a report; Whereupon,

[1] A letter of Washington, dated April 9, approving the nominated officers, was read on this day. It is in the *Papers of the Continental Congress*, No. 152, V, folio 435.

Resolved, That five hundred thousand dollars be emitted under the direction of the Treasury Board, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed the 4th inst. be numbered from the last number of each respective denomination of that emission progressively, and consist of the following denominations:

7,692 of 30 dollars,	230,760	7,692 of 4 dollars,	30,768
7,693 of 8 do.	61,544	7,692 of 3 do.	23,076
7,693 of 7 do.	53,851	7,692 of 2 do.	15,384
7,692 of 6 do.	46,152		
7,693 of 5 do.	38,465		500,000

That all powers and duties of Michael Hillegas, Esq. and of the inspectors of the press, signers and printers of the emission [directed] on the 10th of May last, shall extend to the said 500,000 dollars now to be emitted, subject to such directions and instructions as the Board of Treasury may judge expedient.

Ordered, That 200,000 dollars be advanced to William Buchanan, Esq. late commissary general of purchases, to be by him transmitted to his deputy Mr. Colt, in the eastern district; Mr. Buchanan to be accountable.

On question, negatived

Resolved, That a Warrant issue on the Treasurer in favour of Dr. William Shippen, Director General of the Hospitals, for Forty thousand Dollars, to enable him to discharge the former Debts due in his Department, for which he is to be accountable.

That 50,000 dollars be advanced to James Mease, Esq. cloathier general, for the use of his department; he to be accountable.[1]

A memorial from Mons. Fidel Dorré, was read:[2]

Ordered, That it be referred to the Committee of Commerce.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 237.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 183.

Resolved, That a committee of three be appointed to confer with Mr. James Mease, cloathier general, on the subject of his department:

The members chosen, Mr. J[Thomas] Adams, Mr. [Gouverneur] Morris, and Mr. [William Henry] Drayton.

Resolved, That the Board of War be directed to make a strict enquiry into the mode in which the armourer's department has been hitherto conducted, and report to Congress the result of their enquiry; and if they judge necessary, to dismiss the persons who have been hitherto employed in that business, and to engage others in their stead, on the best terms possible.[1]

Resolved, That Mr. [Richard] Hutson be added to the Committee of Commerce.

Resolved, That Mr. G[ouverneur] Morris be added to the Medical Committee.

A petition from Captain [James] Knox was read:[2]

Ordered, That it be referred to the Board of Treasury.

Whereas, a brigadier of cavalry is necessarily put to a much greater expence in equipping himself for service and other ways than any other officer of that rank in the army; therefore,

Resolved, That the pay of the brigadier general of cavalry be in the same proportion to that of a brigadier of infantry, as the pay of a colonel of the cavalry is to that of a colonel of infantry, viz. 156¼ dollars per month.[3]

Adjourned to 9 o'Clock on Monday.[4]

[1] The reply of the Board, dated April 21, is in the *Papers of the Continental Congress*, No. 147, II, folio 13.

[2] This petition, addressed to Washington, and dated November 19, 1777, is in the *Papers of the Continental Congress*, No. 41, V, folio 73.

[3] This motion, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 36, IV, folio 237. It is endorsed: "Mr. Dana's Motion, 18 April, not seconded."

[4] In the *Papers of the Continental Congress*, No. 58, folio 277, is a memorial of Colonel Thomas Proctor, dated April 10, 1778, endorsed: "Read 18th, and ordered to lie on the table, for further consideration upon an intended arrangement."

MONDAY, APRIL 20, 1778

A letter, of 15, from Major Lee, and one, of 17, from E. Boudinot, Esq. commissary general of prisoners, were read, the last informing Congress of his resolution to decline continuing any longer in the service:

Ordered, That Thursday next be assigned for electing a commissary general of prisoners.

A letter, of 7, from Governor Clinton, with a proclamation enclosed, was read:

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [Samuel] Huntington, Mr. J[onathan] B[ayard] Smith, and Mr. [Francis Lightfoot] Lee.

A letter, of 18, from General Washington, with the report of the commissioners by him appointed for settling a cartel, &c. was read:

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. G[ouverneur] Morris, Mr. [William Henry] Drayton, and Mr. [Francis] Dana.

A letter, of 18, from Jonathan [D.] Sergeant, Esq. and one, of 26 March, from Governor Caswell, of North Carolina, were read:[1]

A letter, of 9, from Baron Steuben; one, of 4, from Governor Cooke, of Rhode Island, and one of the 6, from Brigadier Muhlenburg, were read:

Ordered, That they be referred to the Board of Treasury.

[1] The letter of Lee is in the *Papers of the Continental Congress*, No. 78, XIV, folio 217; that of Boudinot is in No. 78, II, folio 461; that of Washington is in No. 152, V, folio 447, and the report is on folio 493; that of Sergeant is in No. 78, XX, folio 207, and that of Caswell, in No. 72, folio 35.

A letter, of 17, from Brigadier Smallwood, with two letters enclosed, was read:[1]

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [Samuel] Chase, and Mr. [Charles] Carroll.

The committee appointed to prepare instructions to General Gates, brought in a draught, which was taken into consideration, and sundry amendments being made, was agreed to:

Sir: In appointing you to the Command of the several Posts on Hudson's River and in the Northern Department, Congress repose themselves with Confidence in your Abilities and expect that you will prevent if possible the Enemy from possessing themselves of that River ~~which they consider the Key of America~~ and protect the Frontiers against Incursions of the Savages and others from Canada and the Northern and western Parts of the State of New York. As it is impossible to foresee what Circumstances may arise, you are by our Resolutions empowered to call for such Numbers of Militia as you may think proper. But you are to consider that the Militia are very expensive, that the Country always suffers by taking off the Husbandmen from their Labour, and that calling out the Militia will greatly impede the Completion of the Continental Regiments, which is an Object of the utmost Importance. You will therefore use caution in the Exercise of the Power committed to you as aforesaid.

There is Reason to apprehend that the main Army will not be subsisted during the ensuing Campaign without great Difficulty. And as the Supplies of Flesh must be brought chiefly from the Eastern Side of Hudson's river, the Possession of that River becomes on that Account the more important. You are therefore not on any Account to stop the Supplies which may be from Time to Time sent forward for the main Army, since by so doing, the Arrangements of the Commissary General may be destroyed [to the Distress of the main Army][2] and the great Detriment of the public Service.

As it may facilitate General Washington's Operations to make a Diversion on the Side of New York, so also the getting together a

[1] This letter is in the *Papers of the Continental Congress*, No. 161, folio 179.

[2] The words in brackets were inserted by Henry Laurens.

great Number of Men for that Purpose may disable him from, or impede his acting, by consuming the necessary Supplies of Provisions, military Stores and the like, you are not therefore to undertake any Expedition against New York without previously consulting the Commander in Chief.

And as Circumstances may call for considerable Reinforcements to the main Army, so you are from Time to Time to send forward such of the Continental Troops as may be ordered by General Washington, and on the other Hand should you want a Reinforcement of Continental Troops, you are to apply to the General, who will send them if they can be spared with Propriety from his Army.

Congress having required General Washington to call a Council of War to consist of the Major Generals and Chief Engineer now in this State, and with their Advice to form a Plan of Operations for the ensuing Campaign, you are at Liberty to govern yourself according to such Plan, notwithstanding any thing in the aforegoing Instructions, and are to conform to the same as far as your Circumstances and Situation may admit.

You will during your Command [when convenient], confer with Governor Clinton from Time to Time and take his Advice and Assistance in the Business recommended to you.[1]

Ordered, That the same be transcribed and signed by the President and transmitted to General Gates, and that a copy be sent to General Washington.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, APRIL 21, 1778

The committee to whom was referred the letter of 18th, from General Washington, with the several papers enclosed, brought in a report, which was taken into consideration, and the same being debated by paragraphs and amended, and each paragraph, on a question put, being agreed to,

A motion was made, that a question be put on the whole:

[1]This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, 11, folio 385.

Whereupon, a question of order was moved, whether a question can in such case be put; and the yeas and nays being required,

Massachusetts Bay,		
Mr. Dana,	no	*
Lovell,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Huntington,	no	no
Wolcott,	no	
New York,		
Mr. Duer,	no	no
G. Morris,	no	
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. J. B. Smith,	ay	ay
James Smith,	ay	
Maryland,		
Mr. Chase,	no	no
Carroll,	no	
Plater,	no	
Henry,	no	
Virginia,		
Mr. F. L. Lee,	no	no
Banister,	no	
T. Adams,	no	
North Carolina,		
Mr. Burke,	ay	div.
Harnet,	no	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	no	no

So it passed in the negative.

The report, as amended and agreed to, is as follows:

Resolved, That Congress approve of the conduct of Colonel Grayson, Lieutenant Colonel Harrison, and Lieutenant Colonel Hamilton, and Elias Boudinot, Esqr. "commissioners appointed by General Washington to meet the commissioners appointed by General Sir William Howe, and with them to confer, determine and agree upon a treaty and convention for the exchange of prisoners of war, and for all matters whatsoever which may be properly contained therein," in the several meetings held at Germantown and Newton, with the commissioners of General Howe.

Resolved, That Congress are sincerely desirous of settling a cartel for the exchange of prisoners, on principles of justice, humanity, and mutual advantage, and agreeable to the customary rules and practice of war among civilized nations; and that they lament the obstacles raised by General Howe and his commissioners during the negotiations held for this desirable purpose.

Ordered, That the letters and papers received from the General, relating to the said cartel, be published, together with these resolutions.

Ordered, That the committee have leave to sit again.[1]

Congress having received repeated information, that various abuses prevail in the department of the commissary of hides: for securing the hides and tallow belonging to the public,

Resolved, That the Board of War be directed to make such regulations for conducting that department as they shall deem best calculated to answer the end of its institution; that they be authorized to dismiss, if they shall judge necessary, the persons who have been hitherto employed to conduct the same, and to appoint others in their stead, till the pleasure of Congress can be known, reporting to Congress the names of the principal persons by them appointed to conduct that business.

Resolved, That the members of the Board of War, or any one of them, be authorized, in conjunction with any two or more of the present commissioners, to manage the business of that department, till an additional number of commissioners shall be appointed by Congress to the Board of War, and shall be ready to attend that business.[2]

[1] This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, VI, folio 239.

[2] These resolutions, in the writing of William Duer, are in the *Papers of the Continental Congress*, No. 36, IV, folio 247.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That a warrant issue on Thomas Smith, Esq. commissioner of the loan office in the State of Pensylvania, for 20,000 dollars, in favor of William Henry, Esq. of Lancaster, for the purpose of paying for leather, &c. purchased by him, and for repairing arms for public service; he to be accountable.[1]

Resolved, That Congress will, on Monday next, take into consideration the state of our affairs with foreign courts, and the instructions to the commissioners of Congress at such courts.

FOUR O'CLOCK, P. M.

Ordered, That the quarter master in Yorktown provide a room for the clerk of the United States' lottery, to serve him for an office to transact his business in with conveniency and security.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That 7,939 dollars be paid to Samuel Ewing, Esq. in discharge of an order of Thomas Reed, assistant pay master general, in his favor, dated 18 inst.; William Palfrey, Esq. pay master general, to be accountable.

Congress resumed the consideration of the report of the committee of the whole; Whereupon, the motion made on Friday last was read, and an amendment moved:

A motion was then made to take the sense of the House, whether it is in order that the resolution of Friday, which was entered on the minutes and then determined to be in order, should now be subject to any further amendment:

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 239.

And the yeas and nays being required,

Massachusetts bay,		
Mr. Gerry,	ay	no
Lovell,	no	
Dana,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Huntington,	no	no
Wolcott,	no	
New York,		
Mr. Duer,	ay	ay
G. Morris,	ay	
New Jersey,		
Mr. Scudder,	no	no
Pensylvania,		
Mr. J. B. Smith,	ay	ay
James Smith,	ay	
Maryland,		
Mr. Chase,	ay	ay
Plater,	ay	
Carroll,	ay	
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
Banister,	ay	
T. Adams,	ay	
North Carolina,		
Mr. Burke,	ay	ay
Harnett,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

On the question put to strike out "an establishment," and insert "it is expedient a provision;"

Resolved in the affirmative.

It was then moved, that the sense of the House be taken, whether "any provision shall be made for the officers, &c. after the conclusion of the present war:"

On which the yeas and nays being required,

Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	no	
Dana,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Huntington,	no	no
Wolcott,	no	
New York,		
Mr. Duer,	ay	ay
G. Morris,	ay	
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. J. B. Smith,	ay	ay
James Smith,	ay	

Delaware,		
Mr. M'Kean	ay	ay
Maryland,		
Mr. Chase,	ay	ay
Plater,	ay	
Carroll,	ay	
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
Banister,	ay	
T. Adams,	ay	
North Carolina,		
Mr. Burke,	ay	ay
Harnett,	ay	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Hutson,	no	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

Adjourned to 5 o'clock P. M. to Morrow.

WEDNESDAY, APRIL 22, 1778—P. M.

Mr. [John] Mathews, a delegate from South Carolina, attended, and took his seat in Congress.

The committee to whom was referred the letter of 18, from General Washington, containing a certain printed paper sent from Philadelphia, purporting to be the draught of a bill for declaring the intention of the parliament of Great Britain as to the exercise of what they are pleased to term their right of imposing taxes within these United States: and also the draught of a bill to enable the king of Great Britain to appoint commissioners with powers to treat, consult and agree upon the means of quieting certain disorders within the said states, brought in a report; wherein they beg leave to observe,

That the said paper being industriously circulated by the emissaries of the emeny in a partial and secret manner, the same ought to be forthwith printed for the public information.

The committee cannot ascertain whether the contents of the said paper have been framed in Philadelphia or in

Great Britain, much less whether the same are really and truly intended to be brought into the parliament of that kingdom, or whether the said parliament will confer thereon the usual solemnities of their laws; but are inclined to believe this will happen for the following reasons:

1. Because their general hath made divers feeble efforts to set on foot some kind of treaty, during the last winter; though, either from a mistaken idea of his own dignity and importance, the want of information, or some other cause, he hath not made application to those who are invested with a proper authority.

2. Because they suppose that the fallacious idea of a cessation of hostilities will render these states remiss in their preparations for war.

3. Because, believing the Americans wearied with war, they suppose we will accede to their terms for the sake of peace.

4. Because they suppose that our negotiations may be subject to a like corrupt influence with their debates.

5. Because they expect from this step the same effects they did from what one of their ministers thought proper to call his conciliatory motion, viz. That it will prevent foreign powers from giving aid to these states; that it will lead their own subjects to continue a little longer the present war; and that it will detach some weak men in America from the cause of freedom and virtue.

6. Because the king, from his own shewing, hath reason to apprehend, that his fleets and armies, instead of being employed against the territories of these states, will be necessary for the defence of his own dominions; and,

7. Because the impracticability of subjugating this country being every day more and more manifest, it is their interest to extricate themselves from the war upon any terms.

The committee beg leave farther to observe,

That, upon a supposition the matters contained in the said paper will really go into the British statute book, they serve to shew, in a clear point of view, the weakness and wickedness of the enemy. Their weakness,

1. Because they formerly declared not only that they had a right to bind the inhabitants of these states in all cases whatsoever, but also that the said inhabitants should absolutely and unconditionally submit to the exercise of that right: and this submission they have endeavored to exact by the sword. Receding from their claim, therefore, under the present circumstances, shews their inability to enforce it.

2. Because their prince hath heretofore rejected the humblest petition of the representatives of America, praying to be considered as subjects, and protected in the enjoyment of peace, liberty and safety; and hath waged a most cruel war against them, and employed the savages to butcher innocent women and children. But, now the same prince pretends to treat with those very representatives, and grant to the arms of America what he refused to her prayers.

3. Because they have uniformly laboured to conquer this continent, rejecting every idea of accommodation proposed to them, from a confidence in their own strength: wherefore it is evident, from the change in their mode of attack, that they have lost this confidence. And,

4. Because the constant language spoken, not only by their ministers, but by the most public and authentic acts of the nation, hath been, that it is incompatible with their dignity to treat with the Americans, while they have arms in their hands; notwithstanding which, an offer is now about to be made for treaty.

The wickedness and insincerity of the enemy appear from the following considerations:

1. Either the bills, now to be passed, contain a direct or indirect cession of a part of their former claims, or they do not. If they do, then it is acknowledged that they have sacrificed many brave men in an unjust quarrel. If they do not, then they are calculated to deceive America into terms, to which neither argument before the war, nor force since, could procure assent.

2. The first of these bills, appears from the title, to be a declaration of the intentions of the British parliament, concerning the exercise of the right of imposing taxes within these states: wherefore should these states treat under the said bill, they would indirectly acknowledge that right, to obtain which acknowledgment the present war hath been avowedly undertaken and prosecuted on the part of Great Britain.

3. Should such pretended right be so acquiesced in, then, of consequence, the same might be exercised whenever the British parliament should find themselves in a different temper and disposition, since it must depend upon those, and such like contingencies, how far men will act according to their former intentions.

4. The said bill, in the body thereof, containeth no new matter; but is precisely the same with the motion before mentioned, and liable to all the objections which lay against the said motion, excepting the following particular, viz. that by the motion, actual taxation was to be suspended so long as America should give as much as the said parliament might think proper; whereas by the proposed bill, it is to be suspended as long as future parliaments continue of the same mind with the present.

5. From the second bill it appears, that the British king may, if he pleases, appoint commissioners to treat and

agree with those whom they please about a variety of things therein mentioned: but such treaties and agreements are to be of no validity without the concurrence of the said parliament, except so far as they relate to the suspension of hostilities, and of certain of their acts, the granting of pardons, and the appointing of governors to these sovereign, free and independent states: wherefore the said parliament have reserved to themselves, in express words, the power of setting aside any such treaty, and taking the advantage of any circumstances which may arise, to subject this continent to their usurpations.

6. The said bill, by holding forth a tender of pardon, implies a criminality in our justifiable resistance; and, consequently, to treat under it, would be an implied acknowledgment that the inhabitants of these states were what Britain hath declared them to be, rebels.

7. The inhabitants of these states being claimed by them as subjects, they may infer from the nature of the negotiation now pretended to be set on foot, that the said inhabitants would of right be afterwards bound by such laws as they should make; wherefore any agreement entered into on such negotiation, might at any future time be repealed; and

8. Because the said bill purports that the commissioners therein mentioned may treat with private individuals, a measure highly derogatory to the dignity of national character.

From all which it appears evident to your committee, that the said bills are intended to operate upon the hopes and fears of the good people of these states, so as to create divisions among them, and a defection from the common cause, now, by the blessing of Divine Providence, drawing near to a favorable issue; that they are the sequel of that insidious plan, which, from the days of the stamp

act down to the present time, hath involved this country in contention and bloodshed; and that, as in other cases, so in this, although circumstances may force them, at times, to recede from their unjustifiable claims, there can be no doubt but they will, as heretofore, upon the first favorable occasion, again display that lust of domination which hath rent in twain the mighty empire of Britain.

Upon the whole matter, the committee beg leave to report it as their opinion, that, as the Americans, united in this arduous contest upon principles of common interest, for the defence of common rights and privileges; which union hath been cemented by common calamities, and by mutual good offices and affection; so the great cause for which they contend, and in which all mankind are interested, must derive its success from the continuance of that union; wherefore any men, or body of men, who should presume to make any separate or partial convention or agreement with commissioners under the crown of Great Britain, or any of them, ought to be considered and treated as open and avowed enemies of these United States.

And further, the committee beg leave to report it as their opinion, that these United States cannot, with propriety, hold any conference or treaty with any commissioners on the part of Great Britain, unless they shall, as a preliminary thereto, either withdraw their fleets and armies, or else, in positive and express terms, acknowledge the independence of the said states.

And, inasmuch as it appears to be the design of the enemies of these states to lull them into a fatal security, to the end that they may act with a becoming weight and importance, it is the opinion of your committee that the several states be called upon to use the most strenuous exertions to have their respective quotas of continental

troops in the field as soon as possible, and that all the militia of the said states may be held in readiness to act as occasion may require.

The report being read, and debated by paragraphs,

Resolved, *unanimously*, That Congress approve and confirm the said report.

Ordered, That the same be published.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, APRIL 23, 1778

A letter, of 31 March, from John Carter, at Williamsburg; one, of the 3d inst. from B. Harrison, deputy pay master general in Virginia, with his monthly account; one, of the 6th, from Major General Conway, at Albany; and one, of the 20th, from General Washington, were read:[1]

Ordered, That the letter from Mr. Harrison, with the account enclosed, be referred to the Board of Treasury.

Ordered, That the Marine Committee take into consideration the state of the river defence of Delaware, and the measures which they may judge best and proper for defending that river above Philadelphia.

A letter, of the 21, from the Board of War, was read, wherein they inform, that in pursuance of the resolution of the 18th, they have enquired into the armourer's department, under Thomas Butler, and are convinced that no advantage will arise to the states from a continuance of the persons now engaged in that business; for which reason they have dismissed Mr. Butler, the former public armourer, and appointed William Henry, Esq. of

[1] The letter of Carter is in the *Papers of the Continental Congress*, No. 78, V, folio 147; that of Conway is in No. 159, folio 469, and that of Washington in No. 152, V, folio 511.

Lancaster, superintendent of arms and military accoutrements:

Resolved, That Congress approve the proceedings of the Board of War, and confirm their appointment.

Ordered, That Thomas Butler, late armourer, immediately render his accounts, and settle with the auditors of accounts at the Board of Treasury.[1]

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That 10,000 dollars be advanced to Joseph Nourse, pay master to the Board of War and Ordnance, to enable Colonel Davis, of Carlisle, to pay off a number of wagons hired some time ago, by the direction of that Board, to bring cloathing from North Carolina to Virginia; the said pay master to be accountable:

That 1,012 dollars be paid to Colonel Timothy Pickering, in discharge of the draught of William Palfrey, pay master general, dated 29th January last, on the treasurer, in favor of the said Colonel T. Pickering; the pay master general to be accountable.[2]

Whereas persuasion and influence, the example of the deluded and wicked, the fear of danger, or the calamities of war, may have induced some of the subjects of these states to join, aid or abet the British forces in America, and though now desirous of returning to their duty, and anxiously wishing to be received and re-united to their country, they may be deterred by the fear of punishment; and whereas the people of these states are ever more ready to reclaim than to abandon, to mitigate than to increase the horrors of war; to pardon than to punish offenders:

Resolved, That it be recommended to the legislatures of the several states to pass laws, or to the executive au-

[1] This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 13.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 241.

thority of each State, if invested with sufficient power, to issue proclamations, offering pardon, with such exceptions and under such limitations and restrictions as the several states shall think expedient, to such of their inhabitants or subjects, who have levied war against any of these states, or who have adhered to, aided or abetted the enemy, and who shall surrender themselves to any civil or military officer of any of these states, and shall return to the State to which they may belong, before the 10th day of June next: and it is recommended to the good and faithful citizens of these states to receive such returning penitents with compassion and mercy, and to forgive and bury in oblivion their past failings and transgressions.

Ordered, That 500 copies in English and 200 in German be printed, and that General Washington be desired to take such measures as he shall deem most effectual for circulating the foregoing recommendations amongst the American levies in the enemy's army.

A motion was made to re-consider the order of yesterday for publishing the report of the committee, so far as relates to the immediate publication of the last paragraph but one in the said report;

And the yeas and nays being required,

Massachusetts Bay,		
Mr. Gerry,	no	ay
Lovell,	ay	
Dana,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Huntington,	ay	ay
Wolcott,	ay	
New York,		
Mr. Duer,	no	no
G. Morris,	no	
New Jersey,		
Mr. Scudder,	ay	ay
Maryland,		
Mr. Chase,	no	no
Plater,	no	
Carroll,	no	
Henry,	no	
Virginia,		
Mr. F. L. Lee,	ay	no
Banister,	no	
T. Adams,	no	
North Carolina,		
Mr. Burke,	no	no
Harnett,	no	

South Carolina,			*Georgia,*		
Mr. Laurens,	no	no	Mr. Langworthy,	no	no
Drayton,	no				
Hutson,	no				
Mathews,	no				

So it passed in the negative.

The committee to whom was referred the letter of 17, from Brigadier Smallwood, with the papers enclosed, brought in a report; Whereupon,

Resolved, That the governor and council of the State of Maryland be requested immediately to embody three hundred militia of the eastern shore of that State under active and spirited officers, and to order them to march with two field pieces and a proper number of artillerists into the Delaware State, there to execute such orders as they may receive from a committee of Congress specially appointed for this purpose:

That three members be appointed a committee to give proper instructions to the officer commanding on this expedition:

That the said committee be further authorized to devise and carry into execution the most effectual measures for enquiring into, detecting and defeating all disaffections, conspiracies and insurrections on that neck of land comprehended betwixt the Delaware and Chesapeake Bays, and that they apply to the governments of the States of Maryland and Virginia, and to the State of Delaware, if the committee shall think necessary, for the purposes above mentioned; and it is earnestly recommended to the said governments to give every assistance in their power to the said committee:

That a copy of Brigadier Smallwood's letter of the 17 April, be transmitted to the governor and council of Maryland, and that they be requested to take immediate and

adequate measures for the security of the stores at Charlestown.

Resolved, That the powers vested in General Washington by the resolutions of 17 September, 8 October and 10 December, 1777, be renewed and extended to the 10 day of August, 1778.

Resolved, That Brigadier Smallwood be informed, that the powers vested in General Washington by the resolutions of Congress of 17 September, 8 October and 10 December, expired on the 10th April instant but that Congress have thought proper, by a resolution of this date, to renew and extend them to the 10th of August next.

Congress proceeded to the election of a committee for the purposes expressed in the foregoing resolutions, and the ballots being taken, Mr. [Charles] Carroll, Mr. [William] Duer and Mr. [John] Banister were elected.

Ordered, That Mr. [Cornelius] Harnett have leave of absence.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, APRIL 24, 1778

A letter of 20, from General Greene, quarter master general, was read.[1]

The Committee on the Treasury brought in a report: Whereupon,

Ordered, That a warrant issue on Joseph Borden, Esq. commissioner of the continental loan office in the State of New Jersey, for 50,000 dollars in favor of Major General Greene, quarter master general, for the use of his department; he to be accountable:[2]

[1] This letter is in the *Papers of the Continental Congress*, No. 155, I, folio 63.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 245.

That 30,000 dollars be paid to the delegates of Maryland, to be by them transmitted to the governor and council of that State, for the purpose of recruiting their quota of continental troops; the said State to be accountable.[1]

Resolved, That the Board of War be directed to take the most expeditious measures for transporting the public provisions and stores from the southern states, across Chesapeake Bay or otherwise:

That it be recommended to the governments of the State of Maryland and of Virginia, to permit the armed gallies belonging to their respective states, to be employed for the purpose above mentioned, at the continental expence; and that the whole of the vessels so employed, be put under the command of a continental officer, in order to prevent any ill consequences which may arise from a disputed command betwixt the state officers:

That it be recommended to the government of the State of Pennsylvania, to furnish the Board of War with as many sailors now employed in the service of their State as they can spare, for the purpose of manning the Maryland and Virginia gallies, to be employed in Chesapeake Bay:

That the Marine Committee, and the Committee of Commerce, be directed to co-operate with the Board of War in manning the gallies above mentioned.[2]

Mr. [Thomas] Burke, a member from North Carolina, moved, as his right, to return an answer in writing to the charges against him for his conduct and expressions which gave offence to the house, and that his answer be entered on the journal.

[1] This report, dated April 23, is in the *Papers of the Continental Congress*, No. 136, II, folio 243.

[2] This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 19, V, folio 353.

On the question put, Whether it is the right of the member to return his answer in the manner demanded, and whether it shall be entered on the journal,

Resolved in the negative.

Resolved, That Mr. [Thomas] Burke be heard in his place.

Mr. [Thomas] Burke being heard, and sundry witnesses examined relative to the sending the messenger, and the delivery of the message, &c. which passed out of Congress,

A motion was made on the conduct and expressions of Mr. [Thomas] Burke:

Resolved, That the same be referred to a committee of three.

The members chosen, Mr. [Samuel] Chase, Mr. [Francis] Dana, and Mr. [William Henry] Drayton.

In Congress, *April 24, 1778.*

Mr. Burke member for North Carolina, moved as his right to return an answer in writing to the charges against him for his conduct and expressions which gave offence to the house, and that his answer be entered on the Journal.

Whereupon a question was put, whether it is the right of the member to return his answer in the manner demanded and whether it shall be entered on the Journal.

Resolved in the negative.

Resolved, That Mr. Burke be heard in his place.

Mr. Burke having finished,

The messenger of Congress was called in, and being sworn by the president says:

"That on or about the 10th of this month, the secretary desired him to go and summon Mr. Burke and Mr. Langworthy to attend. That he went to Mrs. Moore's where he found both the gentlemen together, and addressed them in these words:

"Gentlemen, your attendance is desired in Congress."

Mr. Burke replied, "Devil a foot will I go to night."

He then addressed Mr. Langworthy in particular.

Mr. Langworthy said, "I do not know whether I will go. Who sent you." To which the messenger replied, "The Secretary."

Mr. Burke then said, "It is too late and too unreasonable."

QUESTIONS

Q. Did you go a second time? A. Yes.

Q. Who sent you? A. I am not certain whether Mr. Duer and the secretary were together, but I think I was sent, at the desire of a particular member; I think Mr. Duer to Mr. Langworthy.

Q. Did Mr. Duer deliver any message to you the first time to carry to Mr. Burke? A. I do not remember.

Q. Did the secretary go out and call you into this room? A. No.

Q. Did the president deliver any message to you? A. No.

Q. Did you return an answer to the president? A. Yes.

Q. When you went to Mr. Burke, did he ask you who were in Congress? A. I am not certain.

Q. Did you understand that the message delivered to you by the secretary to be a message from Congress? A. Yes.

Q. Did you think that the gentlemen received the message as from Congress. A. I did.

QUESTION BY MR. BURKE

Q. Do you recollect saying, "They are all there, Mr. Duer in particular?" A. I am not positive.

What message did you bring to Mr. Langworthy the second time?

Ordered that the messenger withdraw.

Resolved, That the last question is not proper.

The messenger called in.

His deposition with the questions and answers were read to him, to which he assented. Ordered to withdraw.

Mr. Burke desired that Mr. Langworthy be called on to give evidence.

Mr. Langworthy sworn, says, When Mr. Patton, the messenger opened the door, he said the gentlemen desired our attendance. Being apprehensive Congress was adjourned, I asked, What Gentlemen? Who sent you? He said, "The Secretary." And, if I remember right, he added, "Mr. Duer." I also said, Surely the Congress cant be sitting now. I do not know whether I shall go, or no. I asked

him if there was a Congress. He said he did not know. He believed there might. On which I told him, I will come presently. The other circumstances are nearly the same as the messenger related. I must confess I did not receive it as a message from Congress. I had no conception of it.

QUESTIONS

Q. Did the messenger come twice to you that evening? A. Yes.

Q. When you asked whether there was a Congress, was it in the hearing of Mr. Burke? A. He was in the same room and I apprehend he might have heard it.

Q. From whom was the second message delivered? A. The messenger called me out and delivered it in private as from Mr. Duer. I apprehended it to be a private message from Mr. Duer.

QUESTIONS BY MR. BURKE

Q. Did you understand the first message as coming directly or indirectly from the president? A. I did not.

Q. From whom did you suppose the message came? A. I really thought it some news or some private business after Congress adjourned.

Q. At whose instance did you suppose the messenger came? A. At Mr. Duer's and some other gentlemen.

Q. by another member. What induced you to think Congress adjourned? A. I had a cold and did not hear well. But thought that the question for adjournment was put to every state, and that all answered, and that Congress was adjourned. And under that apprehension I went out.

Q. Did you not know that when Mr. Burke and you were absent there were not nine states left? A. Yes.

Mr. Duer was called upon by a member from Massachusetts bay to give evidence.

Mr. Duer sworn. Questions. Did you on the evening of the 10, send a message to Mr. Burke and Mr. Langworthy or either of them? A. I sent a private message to Mr. Langworthy after the messenger returned and delivered the answer from the gentlemen and desired him particularly to come. I also think I mentioned something to the secretary the first time. I do not particularly remember it. I suppose the secretary can recollect it. I delivered the message myself to the messenger when he went the second time.

The secretary, sworn, says

When the order passed I went out to send the messenger for the members. Mr. Duer followed me and at the door desired me to send a message in his name to Mr. Langworthy and desire him to come. I delivered the order of the house to the messenger.

As he was going down the steps, I told him he might tell Mr. Langworthy that Mr. Duer desired him to come. I did not know that the messenger was sent a second time.

After the witnesses were examined, and a question called for on the whole business.

Mr. Burke arose and said, I protest against submitting to any jurisdiction but that of the state I represent.

A motion being made that the words be taken down,

Mr. Burke arose and again repeated the words with this addition, "except so far as the power of Congress to compel my attendance at reasonable hours."

A motion was then made on the conduct and expressions of Mr. Burke:

Resolved, That it be referred to a committee of three.

The members chosen, Mr. Chase, Mr. Dana and Mr. Drayton.[1]

Adjourned to 9 o'Clock to Morrow.

SATURDAY, APRIL 25, 1778

Mr. [Roger] Sherman, a delegate from Connecticut, attended, and took his seat in Congress.

A letter, of 23, from General Washington, with sundry papers enclosed, was read:

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [William Henry] Drayton, Mr. G[ouverneur] Morris, and Mr. [Francis] Dana.

[1]This account, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 78, 11, folio 477.

A letter, of the 6, and one of the 9th, from General Heath, enclosing a copy of the parole given by Lieutenant General Burgoyne, and a copy of an agreement between Lieutenant General Burgoyne and Major General Heath, respecting the payment for provisions, fuel, &c.[1]

Ordered, That the letters from Major General Heath, with the copy of the agreement, be referred to the Board of Treasury, and the copy of the parole to the Board of War.

A letter, of the 2d, from the council of Massachusetts Bay, and one, of the 19th, from Brigadier Winds, were read:[2]

Ordered, That the letter from the council of Massachusetts Bay, be referred to the Board of War.

The committee to whom was referred the motion made yesterday, respecting the conduct and expressions of Mr. [Thomas] Burke, brought in a report, which was agreed to as follows:

Congress taking into consideration the minutes of the behaviour of Mr. [Thomas] Burke in the house, on the evening of the tenth of April instant, of his answer that evening by their messenger, and of his conduct in the house the next day; and the said minutes being read, Mr. [Thomas] Burke being heard in his place, and witnesses examined, it appears to Congress, and they accordingly,

Resolve, That the manner in which Mr. [Thomas] Burke withdrew, on the evening of the said tenth instant, was disorderly and contemptuous; and that the answer then returned by him was indecent. That the principle

[1] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 515; those of Heath are in No. 157, folios 105 and 109.

[2] The council's letter is in the *Papers of the Continental Congress*, No. 65, I, folio 296; that of Winds is in No. 78, XXIII, folio 495.

upon which he has attempted to justify his withdrawing from the house is dangerous, because it strikes at the very existence of the house, and, as in the present case actually happened, would enable a single member to put an instant stop to the most important proceedings of Congress. That his charge against the member from New York and others, of a combination against him, not having been even attempted by him to be supported by evidence; therefore, appears to be affrontive and groundless.

Ordered, That a copy of the minutes, and of the proceedings respecting Mr. [Thomas] Burke, be transmitted to the assembly of North Carolina.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That 1,000 dollars be paid Major William West, in discharge of a draught of William Palfrey, Esq. pay master general, in his favour, on the President of Congress, dated at camp, 24 March last, and for which the said William Palfrey is to be accountable.[1]

A certificate of Brigadier Smallwood, in favour of the Rev. Mr. Joseph Montgomery, was laid before Congress:

Ordered, That it be referred to the Board of Treasury.

The committee appointed to prepare and report terms to be offered to such foreign officers and soldiers in the service of the king of Great Britain, as shall quit that service, and choose to become citizens of any of the United States of America, brought in a report, which was read.

Congress resumed the consideration of the report of the committee of the whole, respecting an allowance to officers after the war:

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 247.

On motion, that the consideration thereof be postponed; question put, and the yeas and nays being required,

Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Dana,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Wolcott,	ay	
New York,		
Mr. Duer,	no	no
G. Morris,	no	
New Jersey,		
Mr. Scudder,	ay	ay
Pennsylvania,		
Mr. Clingan,	excused	no
J. B. Smith,	no	
Delaware,		
Mr. M'Kean,	no	no
Maryland,		
Mr. Chase,	no	no
Carroll,	no	
Plater,	no	
Henry,	no	
Virginia,		
Mr. F. L. Lee,	no	no
Banister,	no	
T. Adams,	no	
North Carolina,		
Mr. Burke,	no	no
Harnett,	no	
South Carolina,		
Mr. Laurens,	no	no
Drayton,	ay	
Mathews,	no	
Hutson,	no	
Georgia,		
Mr. Langworthy,	no	no

So it passed in the negative.

A motion was made that the provision to be made for the officers, &c. be one half of their present pay.[1]

FOUR O'CLOCK, P. M.

Congress resumed the consideration of the question under debate in the morning, to which an amendment was moved to strike out "present," and after the word

[1] In the *Papers of the Continental Congress*, No. 21, I, folio 186½, is a motion in the writing of Samuel Chase: "The question was moved and put, that such provision for the officers be one half of their present pay." Laurens has added "This is Mr. Chase's motion."

"pay" add "on the first establishment made in the year 1775:" question put, passed in the negative.[1]

Another amendment was moved, to strike out "one half of their present pay," and insert "a sum of money appropriated to the officers according to their rank, and payable to them or their representatives after the conclusion of the war:"[2]

After debate, the determination of this question, at the request of a State, was postponed to another day.[3]

Adjourned to 3 o'Clock P. M. to Morrow.

[1] In the *Papers of the Continental Congress*, No. 21, I, folio 181, are two memoranda in the writing of Francis Dana. The first reads: "Be the one half part of their pay on the first establishment made in the year 1775." The second reads: "The question was moved and put that such provision of the officers be one half of their present pay." Then follows a memorandum in the writing of Charles Thomson: "Strike out 'the one half of their present pay' and insert, 'be the sum of to each colonel; to each lieutenant colonel; sum of to each major; sum of to each captain.'" On the same sheet are the words following, in the writing of William Henry Drayton: "Had officers made the demand—not free Agent. Justice to the officers. Must have a standing army."

[2] This amendment, in the writing of Samuel Chase, is in the *Papers of the Continental Congress*, No. 21, I, folio 187.

[3] On folio 185, is an undated note by William Ellery, as follows:

"A Question was made in the House whether the officers in the army should be entitled to half pay or not. Whereupon a member from Rhode Island desired that the decision of that question might be postponed in behalf of that State."

On the back Laurens has written:

"Whether the question now moved to take the opinion of the House on a part of a resolution heretofore debated is of such a nature to come within the meaning of the rule that no question shall be determined &c."

This last motion may refer to the motion mentioned on pages 369 and 370 *ante*.

SUNDAY, APRIL 26, 1778—P. M.

Question being put on the amendment moved yesterday, which was put off at the request of a State; and the yeas and nays being required,

Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	ay	
Dana,	no	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Wolcott,	ay	
New York,		
Mr. Duer,	no	no
G. Morris,	no	
New Jersey,		
Mr. Scudder,	ay	ay
Pennsylvania,		
Mr. J. B. Smith,	no	div.
Clingan,	ay	
Delaware,		
Mr. M'Kean,	no	no
Maryland,		
Mr. Chase,	no	no
Plater,	no	
Henry,	no	
Virginia,		
Mr. F. L. Lee,	no	no
Banister,	no	
T. Adams,	no	
North Carolina,		
Mr. Burke,	ay	ay
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Mathews,	no	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	no	no

So it passed in the negative.

The main question was then put, and the yeas and nays being required,

Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	no	
Dana,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Sherman,	no	no
Huntington,	no	
Wolcott,	no	
New York,		
Mr. Duer,	ay	ay
G. Morris,	ay	

New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. J. B. Smith,	ay	div.
Clingan,	no	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Chase,	ay	ay
Plater,	ay	
Carroll,	ay	
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
Banister,	ay	
T. Adams,	ay	
North Carolina,		
Mr. Burke,	ay	ay
South Carolina,		
Mr. Laurens,	no	no
Drayton,	no	
Mathews,	ay	
Hutson,	no	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved, that the provision to be made for officers, &c. be one half of their present pay.

A motion was then made, "That such provision of half-pay continue for the life of the officers:"[1]

To which an amendment was moved, to strike out "for the life of the officers," and insert "for years:"[2]

Question put, the yeas and nays being required,

Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	ay	
Dana,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Wolcott,	ay	
New York,		
Mr. Duer,	ay	div.
G. Morris,	no	
New Jersey,		
Mr. Scudder,	ay	ay
Pennsylvania,		
Mr. J. B. Smith,	no	div.
Clingan,	ay	
Delaware,		
Mr. M'Kean,	no	no

[1] This motion, in the writing of Samuel Chase, is in the *Papers of the Continental Congress*, No. 21, I, folio 186.

[2] In the *Papers of the Continental Congress*, No. 21, I, folio 188, is a slip in the writing of Francis Dana: "for the Term of Ten [Two] Years from and after the end of the present War, if they should live so long." On the back Laurens has noted the second vote—on the main question.

Maryland,		
Mr. Chase,	no	no
Plater,	no	
Carroll,	no	
Henry,	no	
Virginia,		
Mr. F. L. Lee,	ay	no
Banister,	no	
T. Adams,	no	
North Carolina,		
Mr. Burke,	no	no
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Mathews,	no	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	no	no

So the amendment was lost, the states being equally divided.

The main question was then put, the yeas and nays being required,

Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Dana,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Sherman,	no	no
Huntington,	no	
Wolcott,	no	
New York,		
Mr. Duer,	ay	ay
G. Morris,	ay	
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. J. B. Smith,	ay	div.
Clingan,	no	
Delaware,		
Mr. M'Kean,	ay	ay
Maryland,		
Mr. Chase,	ay	ay
Plater,	ay	
Carroll,	ay	
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
Banister,	ay	
T. Adams,	ay	
North Carolina,		
Mr. Burke,	ay	ay
South Carolina,		
Mr. Laurens,	no	no
Drayton.	no	
Mathews,	ay	
Hutson,	no	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

A letter, of 25, from General Washington, was read.[1]

[1]This letter is in the *Papers of the Continental Congress*, No. 152, V, folio 525.

Congress resumed the consideration of the report from the committee of the whole; to which sundry amendments were moved; after debate,

Ordered, That the farther consideration thereof be postponed till to morrow.

Adjourned to 9 o'Clock to Morrow.

MONDAY, APRIL 27, 1778

A letter, of 24, from Major Lee, was read:[1]

Ordered, That it be referred to the Board of War.

A letter, of 20, from Colonel G. Baylor, was read:

Ordered, That it be referred to the Board of Treasury.

Resolved, That General Washington be authorized to call, if he thinks proper, the commander of the artillery to the council ordered to be convened for settling such a plan for the general operations of the ensuing campaign, as General Washington shall deem consistent with the general welfare of these states.

The Board of Treasury, to whom was referred the certificate of Brigadier Smallwood, in favour of the Rev. Mr. J[oseph] Montgomery, brought in a report; Whereupon,

Resolved, That the Rev. Mr. J. Montgomery be allowed the pay of a brigade chaplain for the time of his service in that capacity, agreeably to Brigadier Smallwood's certificate, viz. from June last.[2]

Resolved, That the Rev. Mr. J. Montgomery be appointed chaplain to Brigadier Smallwood's brigade.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That 250,000 dollars be paid to Mr. Joseph Nourse, pay master to the Board of War and Ordnance,

[1] This letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 225.

[2] This report, dated April 25, is in the *Papers of the Continental Congress*, No. 136, II, folio 249.

to be by him transmitted to Ebenezer Hancock, Esq. deputy pay master general, for the use of his department; he to be accountable.

Resolved, That the Board of War and Ordnance transmit to General Heath proper directions with respect to the route, by which he is to send to the treasurer the hard money belonging to the United States.[1]

Congress resumed the consideration of the report of the committee of the whole, respecting a provision for the officers after the war; Whereupon, it was moved, and

Resolved, That nothing contained in the foregoing resolution shall be construed to extend to prevent the United States from redeeming, at any time, the half-pay of such officers as they judge proper, by paying them a sum equal to six years half-pay.

Sundry amendments being made in the report;

Ordered, That the farther consideration thereof be postponed.[2]

Adjourned to 9 o'Clock to Morrow.

TUESDAY, APRIL 28, 1778

Resolved, That Major General Gates be empowered to appoint two such persons from the line as he may think proper, to act as additional aids de camp.

A letter of 23, from Major General M'Dougall, at Fishkill, with sundry papers enclosed, was read:

Ordered, That extracts of the said letter be sent to the treasury, and that the letter, with the papers enclosed, be referred to the Board of War.

[1] This report, dated April 25, is in the *Papers of the Continental Congress*, No. 136, II, folio 249.

[2] In the *Papers of the Continental Congress*, No. 78, XIII, folio 65, is a copy of a letter from George Johnston to Robert Morris, dated House of Commons, February 5, 1778, in the writing of Charles Thomson, and which is endorsed as having been read in Congress April 27.

A letter, of 22, from Major General Conway, was read, requesting leave to resign his commission:[1]

Whereupon, it was moved, that his resignation be accepted:

Question put, and the yeas and nays required,

Massachusetts Bay,		
Mr. Gerry,	no	ay
Lovell,	ay	
Dana,	ay	
Rhode Island,		
Mr. Ellery,	ay	ay
Connecticut,		
Mr. Sherman,	ay	ay
Huntington,	ay	
Wolcott,	ay	
New York,		
Mr. Duer,	ay	ay
G. Morris,	ay	
New Jersey,		
Mr. Scudder,	ay	ay
Pennsylvania,		
Mr. J. B. Smith,	ay	ay
Clingan,	ay	
Maryland,		
Mr. Chase,	no	ay
Plater,	ay	
Carroll,	ay	
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	no	no
Banister,	no	
T. Adams,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Mathews,	ay	
Hutson,	ay	

So it was resolved in the affirmative.

A letter, of 28,[2] from [Thomas] Burke, was read, informing, that the instrument authenticating his last election as a delegate from North Carolina, is dated May 4, 1777: "That both his colleagues have informed him that they believed the election was made on the 28 April preceding;" that "the constitution of the State requires the election of delegates to be annual," &c. expressing his belief "that his power of representing that State is at an

[1] The letter of McDougall is in the *Papers of the Continental Congress*, No. 161, folio 87; that of Conway is in No. 159, folio 473.

[2] This letter is in the *Papers of the Continental Congress*, No. 78, II, 473. It is printed in *State Records of North Carolina*, XIII, 105.

end;" intimating that "the instrument referred to is on the journals of Congress, and they can determine whether his attendance can be longer commanded;" and requesting "their opinion thereon;" that "his absenting himself may not be deemed a contempt or breach of order:" Whereupon, a motion was made, that Mr. [Thomas] Burke be directed to attend his duty in Congress:

Question put, passed in the negative.

A motion was then made, that Mr. [Thomas] Burke be informed, that Congress consider him as a delegate from the State of North Carolina, till the assembly of his State shall direct otherwise:

The previous question was moved, whether that question shall now be put? and the yeas and nays being required,

Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Dana,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Sherman,	no	no
Huntington,	ay	
Wolcott,	no	
New York,		
Mr. Duer,	ay	ay
G. Morris,	ay	
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. J. B. Smith,	no	no
Clingan,	no	
Maryland,		
Mr. Chase,	no	div.
Plater,	no	
Carroll,	ay	
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
Banister,	ay	
T. Adams,	ay	
South Carolina,		
Mr. Laurens,	ay	ay
Drayton,	ay	
Mathews,	ay	
Hutson,	ay	
Georgia,		
Mr. Langworthy,	ay	ay

So it passed in the negative.

A motion was made to resolve,

That Mr. [Thomas] Burke is not a member of this house.

To which the previous question was moved, whether that question be now put? the yeas and nays being required,

Massachusetts Bay,		
Mr. Gerry,	no	no
Lovell,	no	
Dana,	no	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Sherman,	no	no
Huntington,	no	
Wolcott,	no	
New York,		
Mr. Duer,	no	div.
G. Morris,	ay	
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. J. B. Smith,	no	no
Clingan,	no	
Maryland,		
Mr. Chase,	no	div.
Plater,	no	
Carroll,	ay	
Henry,	ay	
Virginia,		
Mr. F. L. Lee,	ay	ay
Banister,	ay	
T. Adams,	ay	
South Carolina,		
Mr. Laurens,	no	div.
Drayton,	ay	
Mathews,	ay	
Hutson,	no	
Georgia,		
Mr. Langworthy,	ay	ay

So it passed in the negative.[1]

At a Board of War, *April 27, 1778*

Present: General Gates General Mifflin Col° Pickering Mr Peters

Whereas from the Situation of the Peninsula formed by the Delaware and Chesapeake Bays, there is great Reason to believe that the same will, in the Course of the ensuing Campaign, be exposed to the Ravages of the Enemy, and on this Account, as well as the notorious Disaffection of great Numbers of the Inhabitants of that Country, it is to be apprehended that the British Army will draw very considerable Supplies of Horses therefrom;

Agreed to report to Congress,

That Major H. Lee, commanding an independant Corps of Cavalry, whose Services are immediately wanted in the Field, have liberty and be empowered to seize and take so many Horses as are necessary to

[1] See Burke's letter to Governor Caswell, April 25, in *State Records of North Carolina,* XIII, 102.

mount his Corps, from the Inhabitants of the said Peninsula. That in executing this Authority, he is to avoid as much as may be taking from the well affected, and take those Horses first which are the most likely to fall into the Enemy's Hands. That previous to his so seizing and taking the Horses, he tender a reasonable Price for any Horse he may think fit for Service, and in case of Refusal that he execute the Authority heretofore given, procuring a Valuation to be made by two or more indifferent and honest Men of the Horse so seized, and on such Valuation being made, that he pay or tender the Amount thereof to the Owner or Person having the Horse in Possession.

Resolved, That 50,000 dollars be advanced to Major Lee, on account, for the purpose of purchasing horses, and towards recruiting and equipping his corps.

The Committee on the Treasury brought in a report; Whereupon,

Resolved, That the pay of a secretary of a major general, acting in a separate department, be increased to 50 dollars a month.

Ordered, That 100,000 dollars be paid to the delegates of Maryland, to be by them transmitted to the governor and council of their State, on whose application, by order of the general assembly, this sum is advanced; the said State to be accountable.[1]

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, APRIL 29, 1778

A letter, of 16, from Major General Schuyler, with sundry papers enclosed, relative to Indian affairs, was read:[2]

Ordered, That it be referred to the Committee on Indian Affairs.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 251.

[2] The letter of Schuyler is in the *Papers of the Continental Congress*, No. 153, III, folio 294.

Resolved, That three members be added to that committee:

The members chosen, Mr. [William Henry] Drayton, Mr. T[homas] Adams, and Mr. J[onathan] B[ayard] Smith.

Another letter, of 16, from Major General Schuyler, was read:[1]

Resolved, That a committee of three be appointed to examine the evidence collected, and state charges against the general officers who were in the northern department when Ticonderoga and Mount Independence were evacuated:

The members chosen, Mr. [Roger] Sherman, Mr. [William Henry] Drayton, and Mr. [Francis] Dana.

Ordered, That the letter lie on the table.

A letter, of 27, from General Washington, with an extract of a letter from Major General Heath, and sundry other papers enclosed, was read:[2]

Ordered, That the extract of the letter from Major General Heath be referred to the Board of Treasury:

That the letter from General Washington, with the other papers enclosed, be referred to the Committee of Intelligence.

A letter, of 28, from the Board of War, was read:

Ordered, That it be referred to the Board of Treasury.

Two letters, of 24th, from Governor Rodney, were read:[3]

Ordered, That they be referred to the committee appointed for the purposes expressed in sundry resolutions passed the 20th instant.

[1] This letter is in the *Papers of the Continental Congress*, No. 153, III, folio 306.

[2] The letter of Washington is in the *Papers of the Continental Congress*, No. 152, V, folio 529.

[3] These letters are in the *Papers of the Continental Congress*, No. 70, folios 647 and 651.

A letter, of 17, from Major de Bois, was read:[1]

Ordered, That it be referred to the Board of War.

Congress proceeded to the election of members for the Marine Committee, in the room of such as are absent; and the ballots being taken, Mr. [Nathaniel] Scudder was elected for New Jersey; Mr. [George] Plater for Maryland; Mr. T[homas] Adams for Virginia.

The commissioners of accounts at the Treasury Board, with the approbation of the auditor general, report,

That there is due to Major James Armstrong Wilson, for his independent company, stationed at Carlisle, for the purpose of guarding public stores, two months' pay, commencing the 1st February, and ending 31 March last, both days included, 843 10/90 dollars; and to twelve men belonging to different regiments in General Wayne's division, doing duty with Major Wilson's company, their pay, commencing and ending the same time, 150 40/90 dollars:

That there is also due to Captain Samuel Postlethwaite's company, likewise stationed at Carlisle, for the same purpose, their pay from their first establishment to the 31 March, inclusive, amounting to 1,468 48/90 dollars:

That there is also due to Captain Postlethwaite, for taking up four deserters belonging to different regiments, the account of which will be sent to the pay master general, the sum of 52 dollars; the whole amounting to 2,514 44/90 dollars, from which is to be deducted 1,000 dollars, part of 2,020 dollars, which were formerly advanced to Major Wilson, the balance to be paid to Major Wilson, by a warrant on the treasurer, 1,514 44/90 dollars:[2]

Ordered, That the said sum be paid.

[1] This letter is in the *Papers of the Continental Congress*, No. 78, II, folio 465.

[2] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 255.

The Committee on the Treasury brought in a report: Whereupon,

Ordered, That 65,000 dollars be paid to Lieutenant Morrow, to be by him conveyed to Colonel Baylor, in Virginia, for the purpose of purchasing horses, arms, and accoutrements for the cavalry:

That a warrant issue on William Armistead, Esq. commissioner of the loan office in the State of Virginia, in favor of Colonel Baylor, for the sum of 35,000 dollars, to answer the same purpose; for both which sums, amounting to 100,000 dollars, the said Colonel Baylor is to be accountable.[1]

Resolved, That for the space of ten days, commencing to morrow, Congress meet precisely at ten, and adjourn at one, and on the same day, meet precisely at three, and adjourn at six o'clock, P. M. and that Congress be not, on any account whatever, kept over the times fixed for adjournment, if any one State shall insist upon adjourning.

The committee appointed to prepare proposals to such foreign officers and soldiers as incline to become citizens of America, brought in a report, which being read and amended, was agreed to as follows:

To the officers and soldiers in the service of the King of Great Britain, not subjects of the said King:

The citizens of the United States of America are engaged in a just and necessary war—a war in which they are not the only persons interested. They contend for the rights of human nature, and therefore merit the patronage and assistance of all mankind. Their success will secure a refuge from persecution and tyranny to those who wish to pursue the dictates of their own consciences, and to reap the fruits of their own industry.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 253.

That kind Providence, who from seeming evil often produces real good, in permitting us to be involved in this cruel war, and you to be compelled to aid our enemies in their vain attempts to enslave us, doubtless hath in view to establish perfect freedom in this new world, for those who are borne down by the oppression and tyranny of the old.

Considering, therefore, that you are reluctantly compelled to be the instruments of avarice and ambition, we not only forgive the injuries which you have been constrained to offer us, but we hold out to your acceptance a participation of the privileges of free and independent states. Large and fertile tracts of country invite and will amply reward your industry.

Townships, from twenty to thirty thousand acres of land, shall be laid out and appropriated to such of you as will come over to us, in the following manner.[1]

[Every captain who shall bring with himself forty men from the service of the enemy, before the first day of September, 1778, shall receive eight hundred acres of good woodland; also four oxen, one bull, three cows, and four hogs.[2] If this captain is accompanied with his lieutenant, the lieutenant shall receive four hundred acres of woodland, also two oxen, two cows, and four hogs.

[Every sergeant who shall accompany his captain shall receive two hundred acres of land, two oxen, one bull, one cow, and three hogs.

[Every soldier who shall accompany his captain shall receive fifty acres of land, one ox, one cow, and two hogs.

[1] This paragraph reads in the original report: "Townships containing from twenty to sixty thousand acres shall be laid out for you, and divided into farms of one hundred acres each; and every non-commissioned officer and soldier, who shall leave the enemy, and come over to us, shall be entitled to one such farm; every ensign to two; every lieutenant to three; every captain to four, and so on, in progression, according to their rank."

[2] The original also promised eight axes, ten shovels, and ten spades.

[If a lieutenant, or other commissioned officer under the rank of a captain, shall bring off from his company twenty five men, he shall receive six hundred acres of land, two oxen, two cows, and four hogs.[1]

[Every sergeant, or non-commissioned officer who shall bring off parties of men, shall receive an additional bounty of twenty acres of land for every man so brought off. And every soldier, who shall come off without a commissioned or non-commissioned officer, shall receive fifty acres of land; and if he brings off his arms and accoutrements, an additional bounty of twenty dollars.

Both Officers and Soldiers who shall come off together, shall be at Liberty either to seperate themselves, or to unite for the purpose of affording to each other Mutual Succour in the Establishments they make, and to form themselves into Townships after the Model of many German Settlements in various Parts of these States, which Exhibit an Example of that Happiness which is now offered to those who are wise Enough to accept of it.

[Such officers and soldiers shall be at liberty immediately to employ themselves in the settlement of their farms, without being obliged to do any military duty;[2] and they shall receive rations in proportion to their rank for the space of six weeks.[3]

[The stock hereby offered shall be given to such officers and soldiers as shall actually settle on the lands respectively granted to them.[4]

Such of the officers and non-commissioned officers as choose to enter into the military line, shall receive an additional rank in detached corps, which shall be formed of native Germans of those who now reside in America;

[1] The original promised in addition: "Double the quantity of stock and instruments of husbandry from what has been proposed to him in case he comes off with his captain."

[2] The original added: "during the present war."

[3] The original added: "From the time of their desertion."

[4] Paragraphs preceded by a [were in the nature of a substitute for the original proposition, and are in the writing of William Duer.

which corps shall not be employed but with their own consent in any other service than that of guards at a distance from the enemy, or in garrison upon the western frontiers.[1]

Such of you as are skilled in manufactures, over and above these lands and other articles, will find riches in prosecuting your occupations, the necessaries of life being very cheap in proportion to the price of manufactures, and the demand for them is so great, that every mechanick will find full employment. Some of you have had an opportunity of observing the truth of these assertions, and will doubtless inform their countrymen and acquaintance of these facts.

We have hitherto met you in the field of battle, with hostile minds, urged on by the great principle of self-defence; yet in those instances, where the fortune of war hath delivered any of your countrymen into our hands, we appeal to them that our enmity hath ceased the moment they were disarmed; and we have treated them more like citizens than prisoners of war. We now address you as part of the great family of mankind, whose freedom and happiness we most earnestly wish to promote and establish.

Disdain, then, to continue the instruments of frantick ambition and lawless power. Feel the dignity and importance of your nature. Rise into the rank of free citizens of free states. Desist from the vain attempt to ravage and depopulate a country you cannot subdue, and accept from our munificence what can never be obtained from our fears. We are willing to receive you with open arms into the bosom of our country. Come, then, and partake of the blessings we tender you in sincerity of heart.

[1] The original added: "to defend the Frontiers against the Incursions of the Indians. The Term of Enlistment shall be for three Years or during the present War, at the Expiration of which they, if they think proper, shall receive the Lands which have been promised them."

In the name of these sovereign, free, and independent states we promise and engage to you that great privilege of man, the free and uninterrupted exercise of your religion, complete protection of your persons from injury, the peaceable possession of the fruits of your honest industry, the absolute property in the soil granted to you to defend, unless you shall otherwise dispose of it, to your children and your children's children for ever.[1]

Resolved, That it be recommended to the several states, who have vacant lands, to lay off with as much expedition as possible, a sufficient quantity of lands to answer the purposes expressed in the foregoing address; for which lands no charge is to be made against the United States.[2]

On the question to agree to the foregoing address and resolution, the yeas and nays being required

Massachusetts Bay,		
Mr. Gerry,	ay	ay
Lovell,	no	
Dana,	ay	
Rhode Island,		
Mr. Ellery,	no	no
Connecticut,		
Mr. Sherman,	no	no
Huntington,	no	
Wolcott,	no	
New York,		
Mr. Duer,	ay	ay
Morris,	ay	
New Jersey,		
Mr. Scudder,	no	no
Pennsylvania,		
Mr. J. B. Smith,	ay	ay
Maryland,		
Mr. Chase,	ay	div.
Plater,	no	
Carroll,	ay	
Henry,	no	
Virginia,		
Mr. F. L. Lee,	ay	ay
Banister,	ay	
T. Adams,	ay	
South Carolina,		
Mr. Laurens,	no	ay
Drayton,	ay	
Mathews,	ay	
Georgia,		
Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

[1] The original added: "and, in fine, to admit you into the full enjoyment of all the rights, liberties, privileges and immunities of free and natural born subjects of these States."

[2] This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 25, 1, folio 25. The last paragraph is in the writing of Charles Thomson.

Ordered, That one thousand copies of the address be published in the German language and dispersed as General Washington and the Board of War shall direct.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, APRIL 30, 1778

Resolved, That Mr. John Mease and Mr. Joseph Bullock, be appointed managers of the United States' lottery.

Resolved, That the salary of the secretary of the Board of War and Ordnance, be 1,200 dollars per annum.

A letter, of 28, from Mr. Matthew Clarkson, at camp, was read:

Ordered, That it be referred to the Board of Treasury.

Resolved, That no commissioned officer in the army of the United States, who shall be honored with a brevet commission, shall be entitled, by virtue of such brevet commission, to any higher rank in the regiment, troop, or company to which he belongs, than he before held therein; such brevet commission giving rank only upon detachments from the line, and in general courts martial; nor shall such brevet officer be entitled to receive any additional pay in consequence of such brevet promotion.

Resolved, That Major Ebenezer Stevens, in consideration of his services and the strict attention with which he discharged his duty as commanding officer of artillery in the northern department, during two campaigns, take rank by brevet as a lieutenant colonel of foot, and that he be commissioned accordingly.

The Committee on the Treasury brought in a report: Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. Joseph Nourse, pay master to the Board of War

and Ordnance, for 100,000 dollars, to be by him forwarded to Ebenezer Hancock, Esq. deputy pay master general in the eastern district, for the use of his department; for which he is to be accountable:

That another warrant issue on the treasurer in favour of the said Mr. Joseph Nourse, for 100,000 dollars, to be by him transmitted to Colonel Benjamin Flower, commissary general of military stores, for the use of his department; for which he is to be accountable:

That another warrant issue on the treasurer in favour of the said Mr. Joseph Nourse, for 250,000 dollars, to be by him transmitted to Peekskill, and delivered to Jonathan Trumbull, Jun. Esq. pay master, or in his absence, to his deputy there; the said J. Trumbull to be accountable:

That a warrant issue on Derk Ten Broek, Esq. commissioner of the continental loan office in the State of New York, in favour of the said Jonathan Trumbull, Jun. Esq. for 100,000 dollars, for the use of his department, and for which he is to be accountable.[1]

Congress proceeded to take into consideration the state of America with respect to foreign nations, when sundry letters and papers were called for and laid upon the table, and the reading thereof begun and continued to one o'clock.

THREE O'CLOCK, P. M.

The letters and papers called for being read, a motion was thereupon made.

Adjourned to 10 o'Clock to Morrow.

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 257.

FRIDAY, MAY 1, 1778

A letter, of 29 April, from Colonel B. Flower, to the Board of War and Ordnance, was laid before Congress, and read:[1] Whereupon,

Resolved, That it be recommended to the several states to empower the executive authority of such states, from time to time, to grant exemptions from duty in the militia, to such persons as may be employed in manufacturing military stores, and other articles, for the use of the United States.

A memorial from Messrs. F. Hopkinson and J. Wharton, was read:[2]

Ordered, That it be referred to the Marine Committee.

A letter, of 30 April, from Mr. J. Nourse, was read:

Ordered, That it be referred to the Board of Treasury.

A petition from sundry soldiers of the late Captain Stevenson's company, of Berkeley county, Virginia, was read:[3]

Ordered, That it be referred to the Board of War.

A memorial from William Burke, late captain of the armed schooner *Warren*, was read:[4] Whereupon,

Resolved, That a commission of captain in the continental navy be granted to William Burke; and that he rank from the date of his commission.

Resolved, That Captain William Burke receive pay from the time he was appointed to the command of the armed schooner *Warren* to this day, according to the rate of pay settled when he was so appointed.

[1] This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 21.

[2] This memorial is in the *Papers of the Continental Congress*, No. 41, IV, folio 31.

[3] This petition is in the *Papers of the Continental Congress*, No. 42, VII, folio 57.

[4] This memorial, dated April 30, is in the *Papers of the Continental Congress*, No. 41, I, folio 162.

Congress resumed the consideration of the motion made yesterday, and, after debate,

Ordered, That the farther consideration thereof be postponed.

THREE O'CLOCK, P. M.

Mr. R[ichard] H[enry] Lee, a delegate from Virginia, attended and took his seat in Congress.

The commissioners of claims, with the approbation of the auditor general, report,

That there is due to Captain Martin Pfifer, commanding an independent troop of light horse, from North Carolina, a balance amounting to 37 45/90 dollars, in bringing forward the said troop, [to this place, and some Contingencies the sum of 217 45/90 Dollars.] and for pay advanced the first, second, and third troop, for the month of September last:[1]

To Joseph Funk, for sundry joiners' work done at the treasury office, 70 60/90 dollars:

To Oliver Wolcott, Esq. commissioner for Indian affairs in the northern department, up to the 15 January, 1778, two hundred and eighty five dollars for 45 days, at four dollars per day, and for his expences:[2]

Ordered, That the said accounts be paid.

The Committee on the Treasury brought in a report; Whereupon,

Ordered, That 150,000 dollars be paid to John Collins, Esq. to be by him conveyed to the governor and council

[1] In the original report the following form was used: "And for Pay advanced the 1st, 2d, and 3d Troop for the Month of September last, per Pay Rolls, the sum of 820 Dollars, amounting to 1,037½ Dollars, from which is to be deducted 1,000 Dollars, with which he stands charged in the Treasurer's Books, leaves a Balance," &c. The words in brackets were in the original report.

[2] This report is in the *Papers of the Continental Congress*, No. 136, 11, folio 261. Wolcott's charges were 180 dollars for pay and 105 dollars for expenses attending the last treaty at Albany.

of the State of Rhode Island; it being advanced to the said State, and delivered agreeably to Governor Cook's letter of the 4th of April:

That 500 dollars be paid to Mr. N[athaniel] Seudder, delegate from the State of New Jersey, advanced on his application, and for which the said State is to be accountable:

That 1,000 dollars be paid to Mr. E[dward] Langworthy, a delegate from the State of Georgia, advanced on his application; for which the said State is to be accountable.[1]

Congress resumed the consideration of the state of these United States with respect to foreign nations; Whereupon,

Resolved, That a committee of three be appointed to report proper instructions to be transmitted to the commissioners of the United States at foreign courts:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. G[ouverneur] Morris, and Mr. [Roger] Sherman.

Resolved, That the Marine Committee be directed to procure immediately six of the best and swiftest sailing pacquet boats, for conveying despatches to and from France and Spain and the West Indies.

The Committee of Commerce reported, that they have received from the Board of War an invoice of articles to be imported from France, for the campaign of 1779, together with a list of medicines, which they beg leave to submit to the consideration of Congress:

The invoices being read, and some alterations made therein,

Ordered, That the Committee of Commerce transmit the invoices as corrected, and give the necessary directions for importing the goods therein mentioned.

Adjourned to 10 o'Clock to Morrow.[2]

[1] This report is in the *Papers of the Continental Congress*, No. 136, II, folio 259.

[2] See note under March 19, 1778.

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